Preserve
bm 21/1/52

PRESERVE

App. F. 1X-4

1927-28

File No. 67/27

Serial Nos. 1 to 8

Previous References

(P.P.)

Later References
1 P 67-27-9 to 15
P.P. 67-27-26, 27

P 275

General and Revenue Secretariat.

Serial Nos. 1 to 8

Part B for Nov. 1927

SUBJECT

Suit filed by Mr. C. Raghunathan Rao of Sangasitalli against Government & the Military authorities

G. R. S. III-2.

General and Revenue Secretariat.

C.B. File No. 56 of 1923.

Serial No.

From

11 Mr. D. M. Ramachandra Rao, Advocate, letter d. 31.5.24

Gives notice on behalf of his client Mr. C. Raghunatha Rao of Sanyasihalli Estate to file a suit against Govt in case the Govt consider that they are not responsible for getting his client the amount of compensation of Rs 4[illegible] together with interest at 7½ per cent on it until date of payment within a fortnight from the date of receipt of this letter.

Chief Secretary's order:-

C.B. - urgent

1) This must be submitted to Dewan with file and then referred to L & L. Secretary to examine the question of legal liability"

(Sd) K.M. 4.6.24.

2) Submitted with references

Sd/ 4.6.24.

P.P. 13-21.
C.B. 25-9-22
C.B. 8-6-23

Dewan

3) Seen. A.A. req for legal opinion

4/6/24

4) A confidential note is submitted as in a similar case.

6/6

Order

Dewan

5) The Submission will be recorded & the Secretary instructed

7/6

P.T.O.

NOTE—Contn. sheet.

1.4/2

The suit has now been filed.
A summons addressed to the Chief Secy
was recd. from the Sub-Judge's Court
Bangalore on the 23rd Ultimo, and
as the date of hearing was also the
same, viz: 23rd Ult^mo, the summons
was returned to the Court unaccepted. (Papers in file limited).
Further notice fixing another date
of hearing may be awaited, and on
receipt thereof steps may be taken
to defend. ~~the suit~~.

Submd. for perusal.

Dewan).

Secy. 15.4.25.

15/4

Sd.

G.R.S. III—3]

460

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D 4402

From
The Subordinate judge
XX 294 of 21/3. Bangalore
forwards defendant summons
in duplicate in O.S. 86 of 24
& requests return of the
~~duf~~ original with the
endorsement of service

7) The date of the hearing
of the case is 23. 3. 1925.
This ~~has been~~ is received
now only today in the Branch.
The Summons is dated
18th March 1924 (probably 25)
but received today.
May the endorsement of
service be written on
the Summons and
returned

Sd/- for orders.
whether a remark may be
made on the Summons that
it was received on 23.3.25
the date of hearing.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

8) Return with
letter saying that
the summons were
~~having~~ served 28/3
late on the 23rd
the date of hearing
which
the
Summons
Ch Sec
23/3/25

6602

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Draft Sub J.

23/3

Done
Inw
upp.

Issued 9.153 23.3.48

27/3

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

Telephone Message.

RESIDENT'S OFFICE.

Date 9th April 1925

No. 3066

From The Secretary to the Resident in Mysore.

To The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

Message

Will you please let me know whether it is a fact that a suit has been brought against the Mysore Government by Mr. C. Raghunatha Rao for compensation for damage caused to his estate at Sanyasahalli.

N.
9-4-25.

for SECRETARY TO THE RESIDENT.

R. O. 112.—R. P. B.—4-1922.—3,000.—12 Bks.

1) Yours

Defendants' summons from the Sub-Judge's Court, B'lore was received by the Ch. Secy in O.S. 86/24-25 which is believed to relate to a suit by Ra Rao for ~~damages~~ compensation for damages caused to his estate at S. As the summons was rec'd late on the date of hearing viz 23-3-25, it was returned unaccepted. The Court. This information will be

Mr. C. Raghunatha Rao has sent a notice thro his lawyer ~~that of~~ that he will file a suit for compensation for damage caused to his estate at Sanyasihalli if his ~~dem~~ claim is not satisfied within a reasonable time.

further verified and information given if it requires any modification

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

N. Telephone message was sent to the Residency on the 14-9-25 in cipher

Your Telephone No. 3066.

" Defendant's summons from the Sub Judge's Court Bangalore was received by the Chief Secretary in O.S. 86/24-25 which is believed to relate to a suit by Mr. C. Raghunatha Rao for compensation for damages caused to his estate at Sanyasahalli. As the summons was received late on the date of hearing viz., 23-3-25 it was returned unaccepted to the Court. This information will be further verified and information given if it requires any modification."

From

The Chief Secretary to the Government of Mysore to the Secretary to the Resident in Mysore.

Sir

Received by me
Thanking you
at the Residents Office
@ 5-10 Pm

BM
9-4-25

To

The Head clerk
Subordinate judge's Court
Bangalore

From The Superintendent G. M. Br. G. R. S.

Sir

Will you please let me know the subject of your Court also in matter of O.S No 86 of 1924-25 and the parties relating to that suit and the State.

11/4

Reply to be sent to G. M. Branch

Plaintiff
C Ramanathan Rao

Defendants
I Impose govt by the chief secretary
II Civil officer
III The officer Bangalore Brigade Area of C & M Station

Hearing date
23rd June 1925

(b) It is understood that a question relating to this case which was being dealt with in P.P. section has been transferred to the Confidential Br. This will also be transferred to that Br.

Transferred to C.B. Br as per personal orders of the Cl. Secy
11/4

11/4

(c) The connected papers are put up in the linked file.

Submd for orders if any further communication should be sent to the Residency. It does not seem necessary
15/4

(Ch Secy)

The G.M. Branch should have been able to give the present information in the first instance alone.

The suit has, it is seen, been now actually filed. ~~Notice of~~ The present notice recd. on the date of hearing not having been accepted, ~~on a second~~ the next notice of an adj.d hearing may be expected & awaited.

See note on main file.

15.4.25.

Immediate

Filed.

This may be transferred

to the C.B. Branch

JM

19.5.25

To the Supt

C B with

kind Compliments

1918

46948

Civil.

Form No. 105.

Xx 1979

Bangalore
4/6/25

Ru 528-

3855

GENL. & REV. SECTION
18. MAY 1925
G. D. SECTION

Dr.

From The Subordinate Judge
Bangalore

To The Chief Secretary
Govt of Mysore, Bangalore

Sir,

I have the honor to forward herewith Defendant Summons, in duplicate in Original Suit No. 86 of 192~~4~~5 in the file of this Court, and to request that you will be so good as to cause the duplicate to be served on the individual therein named, and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing. 23/6/25

~~A sum of Rs.~~ ~~is herewith sent, being~~

~~witness batta,~~

I have the honor to be,

Sir,

Your most obedient servant.

Subordinate Judge.

18) The summons is addressed to the Chief Secy. The matter relates to Political Section.
19.5.25 The date of hearing is 23-6-25
- May be sent to the Branch for needful action

N. B.—Should routine notes be written on small slips the notes must be signed, or slips pasted on this form.

19) Yes. I have already marked it to that Branch

G. R. S. III—5]

4998-24

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

Original summons returned after signature.

The file on this subject has been forwarded to the L & L Secy for remarks on a Residency Communication on the subject.

This file is sent to the L & L Secy for favor of needful action.

(Govt. Adv. will have to be asked to take the necy steps on behalf of Govt. to defend the suit.)

20.5.25

Law 20/5

Ag. Bt

20/5

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form

4998

G. R. S. III—5]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(1) Submit with the previous papers. The L & L Secy has already given his opinion in the earlier file. Steps for the defence of the suit will have accordingly to be taken in the C B

Sec
21/5/25

2) Draft requesting the first Advocate to appear & sending him the papers may be put up. The Secy in charge asked me to place this before the Permanent Secy, before issue.

Cag
21/5

Law
22/5

To be submitted to the Permanent L & L Secy

21) Draft submitted. For appl orders

Sec
22/5/25

L & L Secy
Ap 22/5

601/25.5

Cag
22/5

Cag
22/5

22) Issue

Cag
26/5

N. B.—Should routine notes be written on small slips the notes must be signed, or slips pasted on this form

4998

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

To the Govt Advocate.

P. 6575 (2) dated 27/5/25 —

forwards a copy of the summons and the plaint in O.S. No: 86 of 24-25 on the file of Sub judge Bangalore and requests to appear on behalf of Govt and defend the suit.

(1) This may perhaps be returned to the C. B.

Yes.
cy
4/6

28/5.
for 28/5

(2)

Submit for perusal.
5/6/25.

5/6/25

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

G. R. S. III-2,

General and Revenue Secretariat.

C. B. File No. 56 of 1913. 1933 / 1892

Serial No. 15

From

The Deputy Commr, Bangalore - no C.C. 628 / 24-25 & 9.6.25.

Requests orders to engage the Public Prosecutor or the Govt Advocate to defend the civil suit filed by Mr. C. Raghunatha Rao in the court of the Subordinate Judge at Bangalore.

Chief Secretary's orders on the letter

24) " I believe the Govt Advocate has been addressed to defend. Verify and inform

(Sd) B. R.
11.6.25.

25) Draft submitted.
Sd/ M
12.6.25

26) Done
M/yb

The Deputy Commr, Bangalore - no 2729 & 15.6.25

States that the Govt Advocate has been asked to appear on behalf of Govt and defend the suit.

no 2730 : Copy to Govt. Advocate.

From

The Govt Advocate, no 10 & 3.7.25

Requests sanction of Govt for his appearing on behalf of the 2nd defendant (Civil Officer, Bangalore) also in this case

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat.

C.B. File No. 56 of 1923.

Serial No.

Chief Secretary's order on the letter

27) "For immediate action. The necessary order should issue at once."

(Sd) B.R. 4.7.25.

28) Draft submitted for approval

4.7.25.

29) appd 4.7.

To

The Govt Advocate - no 78/C.B & 4.7.25 -

Requests him to appear on behalf of the Second defendant, Civil Officer Bangalore, also in the above case.

nos. &

Copy to Dy. Commr, Bangalore & Rev. Comr.

From

The Govt Advocate - no 11 & 3.7.25 -

Forwards for the approval of Govt the written statement proposed to be filed on behalf of Govt & the Civil Officer in the above case.

Chief Secretary's note on the letter

30) "L & L. Secretary with compliments for favour of opinion. The statement has to be returned with the G.S.'s signature on Monday, 6th, latest"

(Sd) B.R. 4.7.25 -

Law & Leg. Secy's note on the letter

"The draft W.S. is all right"

(Sd) B.N. 4.7.25.

NOTE—Contn. sheet.

D. no 1745/P

Referred to Prof. [illegible] for [illegible] thereon

28.11.25

28/11

1745/25

General and Revenue Secretariat.

C.B. File No. 56 of 1923.

Serial No

81) Draft reply to the Govt. Advocate is submitted for approval.

Issue
6.7.25.

6.7.25

To
The Govt. Advocate. No 99 & 6.7.25
Returns the statement duly approved.

From
The Govt. Advocate
No 285 & 29-10-25
States that the suit became for hearing on 7th Oct. 1925 & an order was passed returning the plaint for presentation to proper Court.

82) Submit for perusal.
Dy Secy
29/10/25.

Secy
30/10

83) Please submit to the Secy, after his return from leave.

Secy
3/11

For perusal
Dewan.

8/11

84) What is the meaning of this

13.11

85) Certain informality (grounds on which [illegible] was passed)

Serial No

Subd. with reference to para 35 supra. It is ascertained that the plaint was returned for presentation to Dt. Ct. Bangalore as suits against Govt. are maintainable in the principal civil court of original jurisdiction. 36 The suit was filed in the Sub Judge's Court first, but as suits against Govt. can only be entertained in the Distt Judge's Court, the Sub-Judge returned the plaint for presentation to proper Court. Subd with reference to para 34

Sd Secy
Dewan.

Ness 16.12 17.12

Cag 17/12 Sd 14.12 Cag 14/12 Cag 17.12

This may perhaps be returned to the C.B. for record
17.12.25 (Confd Branch)
Sd 17/12

Cag 18/12

Sus.

114 DEC 1925 4449

Note—Contn. Sheet

G.R.S. III—3]

1871

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

A 1871

From The District Judge, Bangalore

Letter No. 1299/332 dated 5.10.1925.

Forwards in duplicate defendants summons in O.S. No. 16 of 1925 on the file of his court re Mr C. Raghunatha Rao

Draft returning the original with the endorsement of service is put up.

2) The summons is prepared for signature of the Chief Secretary (the duplicate being treated as draft)

9/11

6/11

3) Order (Mr) see the suitable [illegible] to defend the suit [illegible]

10/11/25

4) Some letter [illegible] nothing which arrangement has been made for defendant [illegible]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

1871

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Vide G. 3437 of 10.11.1925.

5) This file be transferred to C.I.S. for further action as directed in para 3 & 4 supra.

(Sd) (B 152)

10/11 6) This matter first to L&L Sect.

11/11/25

7) Submit with a draft to the Govt. Advocate. The previous papers have been submitted to the Law Secy on 2/4

11/11 8) The Sect to which the file pertains will have to take necessary action – (Vide 18th Member's remarks in another file)

12/11

(L&L Secy) 12/11

12/11 (B 152)

Govt Adv. may be asked to appear on behalf of Govt.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Chief Secy with compliments.

12/11

12/11

Issued to Govt Advocate now. Shall papers be sent?

12/11

920

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

To

The Govt Advocate - No. 1181/C.B.
& 12.10.25

Forwards the duplicate summons and requests him to appear in the case and defend the suit

From

The Govt Advocate. No. 372 dt 4.11.25

Requests that the files connected with the case as also a copy of the plaint served on the Chief Secretary may be sent for reference

If approved, the Secy files connected with the case will be sent for reference.

Draft reply submitted for approval or other orders

25/11/25.

The Govt Advocate - No. 1282
& 28.11.25

Forwarded for reference certain files of this office & permission the Govt Advocate to appear on behalf of the second defendant in the court of the District

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Gov.

2007/P/25

General and Revenue Secretariat

C.B. File No. 56 996/920 of 1925.

[App. F. III—2

Serial No 20

From

The Govt. Advocate - no 387 & 30.11.25 -

Forwards for favour of signature the written statement to be filed in the District court in O.S. no 16 of 25-26 (C. Raghunatha Rao vs the Chief Secretary to Govt & two others).

The statement is said to be a copy of the one approved by Govt (except the last sentence in para 11) for being filed in the subordinate judge's court. The file containing the previous papers are in the Loc & Leg Sectt. This may also be sent there for verification before signature.

Submd for orders.

Govt Adv 1.12.25.

Ino 1/12/25

L & L Secy)

1.12

Please perhaps papers, if any. I see no objection to the addition made. Written Statement may be signed

Law 2/12

Sent w. with the previous papers.

(Leg C.)

2/12

It is seen that the L & L Secy has already approved of the Statement (vide para 30 in the linked file) & the present addition in para 11 of the written Statement is an additional ground, which may well be urged. The Statement may be signed by the Chief Secy & returned to the Govt Advocate.

L & L Secy

Law

Note—Contn. Sheet

Serial No

Draft submitted for approval.

3.12.23

To the Govt Advocate - letter no 1337 & 3.12.23

Returns the statement duly approved along with signatures on the places indicate

To the Govt Advocate - memo no 576 & 6.2.24.

Forwards for information a copy of the letter addressed to the Deputy Comr, Bangalore Dist. re replies filed by the plaintiff.

Notes on the letter

Submd for perusal"

(Sd) M.N.A. 14.5.24

Under Secretary's orders

(Sd) M.V. 8.2.24.

General and Revenue Secretariat | CB File No. CB 243 | of 192

Serial No.

Ro. D.O. dated 6th Aug. 1926, from Mr B. Ramaswamayya (Offg. Rev Comr)

States that the Dt. Judge, Bangalore has sent him a summons to appear as a witness for the plaintiff in the civil suit filed by Mr C. Raghunatha Rao against Govt, for the compensation claimed by the plaintiff for damages caused by the Br. military camp in his Village Sunyaskatti and indicates the procedure proposed to be followed by him in the absence of any instructions of Govt to the contrary.

Mr Ramaswamayya states that he has consulted informally the Ld Govt Advocate in the matter.

Submitted for orders

5/8/26

The proposed action seems to be approved

Draft the letter

7/8/26

I have had a talk with R.C. His proposal may be approved

7.8.

7.8.26

Issue as approved at once

9/8/26

Issue letter put up

9/8

D.O. No 589 dt. 9.8.26
To the Rev. Comr.

Says that Govt. approve of the course proposed to be adopted by him in giving evidence in the case.

NOTE—Contn. Sheet

I.P. 97.

D 32/14
28-9-26

B. 592

The records maybe called for & a note put up early

intended for permanent record.]

Very early please
CPS

P.S.N.

29/9

The CD may be kindly requested
~~Supt. Rev. Bn with compliments~~
~~Secy~~
29/9/26

CB. 592
29.9.26.

29/9/26

to the Govt. Advocate. The matter is now in the Court of the Dt. Judge, Bangalore.

The linked file indicates only the progress of the case, after the suit was filed.

Submitted for necessary orders.

29/9

The facts as stated by the Pltff are found in the copies of notice & plaint in the linked file. The statement for defence from the point of view of Govt is ~~[illegible]~~ also in the file.

29/9

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Rev Secy

The Dewan was of opinion that the whole case maybe re-examined with a view to induce the military authorities to pay reasonable compensation & get the matter settled out of court

Chief Secy with compliments

CPS
30.9.26

592/CD

G.R.S. III—3]

[To be used only for not

Draft letter to the Govt A
The return of the fees &
is submd.
5/10

Compensation for
damages on acct of
military maneuvers
Let me see this file
C

Submt CB with compliments
the Kind of submitting
the papers to the General

No. 111 dated 7.10.1926

Govt Advocate,
Notice for extension of time
Suit No. 16 of 1925 on the file of the
Sub Judge, Trichinopoly.

Draft reminder is submd
for approval
10/12

(Issued).

From the Govt. Advocate
No. 443 d. 17.12.26
Sends the collections called
for and requests an acknt.
Draft acknowledging is
put up.
The Dewan has called for
a note with refce to an interview

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

slip. The General Secy. also h
subsequently called for the papers.

General and Revenue Secretariat

File No. 1664 of 192

Serial No.

Instructions are solicited as to whether the papers are to be ~~dealt with~~ transferred to the General Secretary, or a note may be put up here.

Submitted
CGR
Mn 7/12/26

Please put up a note here above. There has already been too much delay in this case

18/1

XX
CGR
18/12/26

A full note giving a brief history of the case from the beginning and showing how the question stands at present is attached.

CGR
20/22.12.26

NOTE—Contn. Sheet

General and Revenue Secretariat | File No. | of 192

Serial No.

These papers relate to the claim of one Mr. [redacted] Raghunatha Rao for compensation for damages caused [redacted] his Sanyasihalli Estate (Devanhalli Taluk) during [redacted] Military Camp of Exercise in Viswanathpur in Novembe and December 1921.

Rules on the subject.

The general principles guiding the settlement of such claims are laid down in a Memorandum of -- Instructions issued by the Government of India regarding Military Manoeuvres and Training Camps, -- together with some subsidiary Rules as in force in Mysore, which have been published with Government Order No.G.13815-25/G.M.583-17-4 dated 9th January 1919. According to Section IV* of the said Memorandu

Fl. 9.

(* page 2 of the G.O.)

" As a rule it will be preferable in the case of manoeuvres to employ a staff of compensation -- officers - Military and Civil - the Military side of the staff including as a rule Indian Officers. If these compensation officers are unable to agree they must refer the matter for the decision of the Civil District Officer or corresponding authority. When a joint commission is not appointed, the Civil authorities will be the sole arbiters and their decision - must be accepted. ----- It is of the first importance that the terms under which compensation shall be assessed should be decided before the training season by Military and Civil authorities in consultation, made known to all concerned and that claims should be kept to the lowest figure by judicious selection of ground ".

According to the Subsidiary Rules,

Vide. Page 7 of the G.O referred to above

" The Civil Officer should himself verify the - complaints and report at once to the Senior Military Officer present any damage so as to enable him to inspect the damage, The Military Authorities should then, if necessary, make local inspection or enquiry; and compensation for damage should be settled between the Brigade Major and the Civil Officer, the necessary amount being paid in cash to the latter officer for disbursement to the parties. ..... In the case of material disagreement between the Civil Officer and the Military Authorities the matter should be reported to Government, who will refer the same to the Hon'ble the Resident in Mysore".

General and Revenue Secretariat | File No. | of 192

Serial No.

Sequence of events and preliminary correspondence between the Civil Officer and the Military Authorities.

Vide note d. 21/12.22 by the Civil Officer in C.B.259-22-1+011 (Compl.81-23) H. U.

The sequence of events in connection with the particular case under reference is given below. Certain Military Regiments encamped in Sanyasihalli grass Farm in November and December 1921. No permission was obtained from the Proprietor of the Estate by the Military Authorities for encamping there. On 28th November Mr. Raghunatha Rao complained to the Civil Officer that damage was being caused to his estate and prayed for compensation. At the request of the Colonel Commandant, the Civil Officer obtained particulars of damages which the owner intended to claim and sent in his bill for Rs.8925, on 5th December 192 The Commandant said this was excessive and the Civil Officer told him that he would check the actual extent of damage done and send a bill. The Deputy Commissioner, the Civil Officer and the Amildar inspected the damages on 9th December 1921. The Military Camp broke on 13th December 1921 and the Regiments moved away to Bangalore on 15th and 16th idem. On the 17th Dec. the Civil Officer received a communication from the Head Quarter Office, Bangalore Brigade Area, asking him to meet a representative from that office at Sanyasihalli on the 19th and arrange to have the proprietor of the Estate also present. Colonel Home, Asstt. Comptr. of Military Grass Farms, Captain Knight Garrison Engineer, and the Civil Officer went round the locality with the owner and a map of the locality showing the details of the damage and the extent of each item was prepared under Captain Knight's instructions by his overseer. The Civil Officer told the Military Officers that for the 53.09 acres of the Grass Farm, which had been completely scraped out,

(i.e. after the training season)

Serial No.

loss of hay crop for 3 years was to be taken into account. This they did not agree to. The question of the price to be paid for the hay was also raised, the Military Officers offered Rs.15/- per ton, the owner claimed Rs.40 per ton (Rs.50 being the rate santioned by the Mysore Government for supply to the Imperial -- Service Lancers) and the Civil Officer suggested Rs.35 per ton. No agreement was reached on this point also. The Civil Officer then agreed to meet the Military -- Officers at Captain Knight's Office on 23rd Dec. 1921, but the owner was neither asked to be present nor was he actually present. On that date, Captain Knight -- himself worked out the figures at his own table and told the Civil Officer that the total would come to Rs.1800 and odd. The Civil Officer, who was sitting on the opposite side of the table was not a party to the calculations, ~~and~~ said that the figure fixed was too low. They both then went to Lord Ruthven who requested the Civil Officer to try and settle up matters with the owner; and no final settlement was reached at the time. The Civil Officer then obtained a copy of the map prepared and the calculation sheet from Captain Knight and promised to send a bill later on, after fixing up with owner as desired by the ~~[illegible]~~ Commandant.

In the meantime, on 18th February 1922 the Brigade Major sent a letter (dated 3rd Feby. 1922) to the Civil Officer stating that at a meeting at which the Civil Officer was present it was decided that the sum of Rs.1913-8-0 was due to the gentleman and requesting to be informed if the matter was definitely settled to enable him to forward a cheque. On 5th March 1922 the Civil Officer forwarded a bill for Rs.6015-6-4

This shows that the matter had ~~[illegible]~~ been, admittedly, not yet settled)

Serial No.

giving detailed reasons and pointing out errors and miscalculations made by the Captain. With his letter dated 6th March 1922 (which reached the Civil Officer on 8th) the Brigade Major sent a cheque for Rupees 1913-8-0 which was at once acknowledged by the Civil Officer and a demand made for the balance of Rupees 4104-14-4. The cheque was delivered to and accepted by Mr. Raghunatha Rao as part payment. In response to repeated reminders, the only reply received by the Civil Officer was that they were awaiting the opinion of expert advisers. It is clear from the above that no definite settlement had been arrived at.

Correspondence with Residency.
H. J.
(pp. 13-21-23, 26, 37)

The Military Authorities then appear to have approached the Resident and in May 1922, a communication was received from the Residency calling for the views of Government in the matter. After consulting the Deputy Commr. a reply was sent to the Residency on 13th Sep. 1922 to the effect that the rate proposed by the Civil Officer was a fair one, and recommending settlement of the claim at a reduced figure of Rupees 5153-6-0. On 1st December 1922 a further communication was received from the Residency, enclosing a copy of letter from the Colonel Commandant, and pointing out

H. G.

S.
(C.B. 259-2)

(1) that a compensation committee constituted in accordance with the S.O.s had considered and recorded a finding to which the Civil Officer had agreed;

(ii) that compensation was paid at the time to the Civil Officer; and

(iii) that the Civil Officer was not in order in re-opening it, after being a party to the award.

The Colonel Commandant's letter received with

Serial No.

the above communication further alleged -

(iv) that a payment of Rs.1913 had already been made to Mr. Raghunatha Rao and had this sum was arrived at after due and careful consideration of all the facts and was in full settlement of all claims ;

H. V. (v) that to "all intents and purposes", the Government of India Memorandum of Instruction had been adhered to and that, as no objection was raised to the compensation staff as then constituted, ~~and~~ this would seem to argue that their award was accepted unchallenged.

(vi) that the Civil Officer had expressed himself perfectly satisfied with the proposed rate of compensation arrived at.

These points were met in our letter dated 31st January 1923 wherein, after reviewing the previous correspondence on the subject, it was pointed out that, as under the Govt. of India Memorandum, the compensation staff should be appointed before and no after the manoeuvres and the Military side of the staff should include an Indian Officer, neither of these two conditions had been complied with in this case; that the Civil Officer had not bound himself to the calculations made by the Mily. authorities at the time and had throughout been urging the inadequacy of the amount offered by the Colonel Commandant on the advice of his staff, that the Brigae Major had replied in April 1922 regretting the delay in settlement of the claim and stating that the matter was receiving attention of the Commander "who was awaiting information of his expert advisers" - facts which went to show that the matter was treated by the Brigade Major as an open one—and hence there was no question of the Civil Officer re-opening a final award made by a duly constituted staff. In view of the above circumstances, the Residency was requested to --

H. M.

H. V.

Also [Vide extract on p. 1 of this note]

Serial No.

move the Military authorities to accept the claim at Rs.5153-6-0 (as reduced by the Deputy Commr) -- which was quite reasonable. The Resident thereupon said that the Military authorities were not agreeable to accept this figure and suggested that the best -- course would be to convene a Committee at which the Deputy Commissioner, Bangalore, and the Collector, Civil and Military Station, with the Resident as -- referee could meet and discuss the matter and arrive at a final settlement. Mr. Raghunatha Rao was unwilling to accept this proposal and this was communicated to the Residency, who whereupon invited attention to Section 4 of Subsidiary Rules constituting the Resident as " referee " in case of material disagreement between the Civil Officer and Military -- Officers, and requested that an attempt may again be made to induce Mr. Raghunatha Rao to accept the proposal and that any alternative suggestion may also be put forward. It was pointed out that the wording in the Rules was to the effect that such cases were to be "referred" to the Hon'ble the Resident (for further discussion and settlement and not apparently as a "referee" to give a decision), and that a provision for a referee would not be operative unless parties concerned are agreeable, and His Highness' Govt. could not compel the parties in cases of the kind to accept the decision of a Committee or of a referee. Subsequently the Colonel Commandant made a final offer of Rs.2500 "without admitting that the actual damage does in effect amount to this sum; and stated that if Mr. Raghunatha Rao does not accept the same he may take such other action as he may deem suitable

H. K.

J.

H. J.

X.

(Vide extract made on first page of note) Also H. D. Page 7.

Z.

Serial No.

suitable. Mr. Raghunatha Rao was informed accordingly and stated he could not accept the offer.

Mr. Raghunatha Rao continued to address Governme claiming payment of the amount that would be due to him as per "award" of the Civil Officer. He was -- informed on 11th March 1926 that the final offer of Rs.2500 made by the Colonel Commandant had already been communicated to him and that nothing more could be done by Government in the matter.

H. A

Present stage.

Mr. Raghunatha Rao then filed a suit against ~~Govt.~~ the Chief Secretary ~~and~~ the Civil Officer & the Colonel Comdt.) in the court of the Sub Judge, Bangalore for payment of the balance of compensation of Rs.4100 (with interest) fo damages done to his properties by the British Militar Authorities under permission granted by the Mysore Govt. The case was contested by the Govt. Advocate that the Plaintiff had no cause of action against the Govt. ~~defendants etc.~~ (Vide-copy of written statement -- filed in July 1925). The Sub Judge returned the -- plaint for presentation to the proper court. The -- plaintiff has now filed a suit in the District Judge's Court which is being similarly contested. Mr. B. Ramaswamaiya, who was summoned as one of the witnesses has sent a summary of what he would depose -(that the reports of the Civil Officer and the Depy. Commr. are not in the nature of awards but only reports made to Govt. on which he is entitled to refuse to give evidence, but if pressed to give his personal opinion, he would give the approximate figure at which the Civil Officer and himself estimated the compensation.).

H. Y

The case is still Sub Judice.

H. W (May 1925)

[The Residency also enquired, with

General and Revenue Secretariat | File No. | of 192

Seri No.

reference to the inclusion of the Colonel Commandant as one of the Defendants, as to whether there have been any cases of suits instituted in Mysore Courts against the Secretary of State. ~~He~~ A reply has been sent that there have been no such suits filed].

[The Records connected with the case were with the Govt. Advocate in connection with the case pending before the District Judge, and were received back only on 17-12-26. Hence the delay in submitting the note.]

Submd
CGA
22/12/26

The above note prepared under my instructions gives a clear history of the case. The military authorities seem to be wrong in contesting the Rajamahendra Rao's claim & that the amount suggested by us viz Rs 5753-6-0 will be a fair settlement. The Govt of Mysore have been made Defendants on the ground that the permission to use the land was given by us though the damage was caused by the military authorities. The case seems to me to be a proper one for the military authorities to settle amicably.

Devan
24/12/26

CB 1064

WD 01229—GPB—37,500—1-9-26

General and Revenue Secretariat | File No. | of 192

Seri No.

Who bears the expenses of the case? If the decision is against Govt., I presume it will be the Mily Dept. that will have to bear all costs, Govt. is only nominally the defendant.

Please let me know,

Jm
29.12.26

Can an Civil Court enforce a decree against the military Dept? I am afraid we may have to pay the money yet if for the military Dept. appeals. Secy L.R. with the priv. by the Comptroller General confirmed

by
29/—

In ~~xxxxxxxx~~ this case the suit has been filed against the defendants namely the Chief Secretary to Government, the Civil Officer, Bangalore and the officer commanding Bangalore Brigade area. On behalf of the 1st two defendants the Government are conducting the defence at their own cost. If the decision of the Court should be against, the latter may have to satisfy the plaintiff and pay to him the amount decreed and carry on correspondence with the Residency for reimbursing themselves. It is possible that when the quamtum of damage is assessed by a Civil Court the Military authorities may have less ~~agi~~ hesitation in accepting the same especially as the Government have all along been urging for the payment of a higher amount to Mr. Raghunatha Rao.

As regards the query of the Chief Secretary it has to be stated that as the 3rd Defendant does not reside within the jurisdiction of our

NOTE—Contn. Sheet

General and Revenue Secretariat | File No. | of 192

Serial No.

courts, our Courts will not be competent to execute the decree. The decree will have to be transferred to the courts in the C & M. Station for execution. As it is understood that the 3rd defendant has entered upon his defence and is contesting the suit the decree of the Mysore courts may be executed by the courts in British India. The matter would have been otherwise if this defendant had remained ex-parte and allowed the courts to pass a decree uncontested.

Chief Sec^t
with Compl^ts?

SD
12/1

The amount will have to be paid ultimately by the military authorities. I am not sure whether the view of the Secy of S^t that the decree can be executed against the military authorities in the C & M Station is quite correct, though the Defendant is specifically sued the Officer Commanding Bangalore Brigade area. As a Secretary of State of a Civil Court adjudicating the military authorities may more readily admit the claim & pay the amount. Two courses are open viz either to allow the suit to go on & address the Residency again. In view of the attitude of the military authorities it is not certain whether the latter course will result in any

NOTE—Contn. Sheet

General and Revenue Secretariat

File No. Pus 877 1064 of 192

Serial No.

alteration in their attitude. It do letter may however be sent to the Residency explaining the facts and more strongly urging a compromise.

Dec 5

24/1/27

Mr Mas has seen — & Mr Mr, & consult on & what course may be taken in the matter. Does the Hon Mr agree.

Mr 17/1

A draft is submitted herewith for consideration. As it has been necessary to explain all the facts, the draft has become somewhat long. It is desirable to obtain confidentially the Post Advocate's opinion as to the possible results after he has seen it as it is likely if in future the Plaintiff makes the military authorities liable to a settlement more needed.

Dec 2

25/1/27

Mr 27/1

DEWAN'S OFFICE
17 JAN 1927
Received on
Reg. No.

DEWAN'S OFFICE.
Received on
17. JAN. 1927
Reg. No. 5217

DEWAN'S OFFICE.
Received on
27. JAN. 1927
Reg. No. 5344

CW
Please prepare
[illegible]
[illegible]
1/2

NOTE—Contn: Sheet

General and Revenue Secretariat | File No | of 192

Serial No.

To

The Secy to the Resident
D.O. No Pol 658 dt 29/1/27
stating that in the circumstances explained H.H's Govt will be glad to explore the possibility of an amicable settlement out of court if it is acceptable to the Hon'ble the Resident.

From

The Secy to the Resident
No C/5097/882 dt 5-4-27
stating that the Jaily authorities are not prepared to come to a settlement out of court.
Submitted.

7/6/4
Asst Secy.

~~Nearly no~~
In these circumstances, there is no alternative but to await the result of the suit. The Govt Advocate may be requested to keep the Govt informed as to the progress of the ~~case~~ suit.

Egon Pg
Yes, please
RS
7/4
RS
7/4

JRS
6/4

General and Revenue Secretariat

File No. 26/423 of 192 .

Serial No.

Sub'd with a draft to the Govt Advocate.

9/4

Sub for formal of the letter from the Residency.

Dewan

9/4

DEWAN'S OFFICE
Received on
9 APR. 1927
Reg. No. 8070

9.4.27

12/4

DO letter No. 3026 dated 14th April 1927 to the Govt Advocate Requests that Govt may be informed as to the progress of the case from time to time & returns certain files recd from him.

DO letter No. 8524 of 7th June 1927 from the Govt Advocate stating that O.S. No. 16 of 1926 on the file of the Distt Judge, Bangalore Divn, is posted for arguments to the 8th June 1927 & that it will be argued on that day.

Sub'd 8/6/27

a further Communication has since been received. Papers perhaps need also.

13/6

NOTE—Contn. Sheet

G. R. S. III-2]

General and Revenue Secretariat.

File No. 470.501 of 19

Serial No.

CB 501

Letter No. 871 dt 9th June 1927 from the Govt Advocate to Mysore stating that the case was argued on 8/6/27 & judgment reserved and stating that the result will be intimated as soon as judgment is pronounced

Submd for perusal

DR 16/6/27

Gen. Secy. 16/6

RR 21/6.

CB 470

Letter No. 10 dt 4th July 1927 from the Govt Advocate stating that judgment has been pronounced in the case dismissing the suit with costs & that a copy of the judgment has been applied for & will be forwarded to Govt on receipt

DR 20/7/27

Submd for perusal

DR 21/7/27

Asst Secy

Gen. Secy. 21/7

DEWAN'S OFFICE
Received on
23 JUL 1927
Reg. No. 816.

This relates to a suit filed against the Mysore Govt by one Mr. Raghunatha Rao for alleged damages caused to him by the British Mil. at one of their Camps.

For perusal

Dewan

RR 22/7

MD 23.7.27

RR 26/7/27

NOTE—Contn. sheet.

General and Revenue Secretariat

PP File No. 67 of 1927. 1078

Serial No.

7

From

The Govt. Advocate
No 161 of 26/8/27
forwarding a copy
of the judgment and requesting
to authorise the D. C. Bangalore
to pay Rs 3-13-0 being the
cost of copying sheets
submitted with a draft to
D. C. Bangalore.

The judgment is for
perusal.

L. 29/8 Gen. Secy 29/8

OFFICE OF THE THIRD MEMBER OF COUNCIL
2 SEP. 1927
No. 1821

III rd Member 2/9

2/9

2/9

8. To

The Dy Comr, Bangalore
No 2028 of 5/9/27
forwarding a copy of
the Govt. Advocates letter &
requesting to pay Rs 3-13-0 refd to therein.

NOTE—Contn. sheet

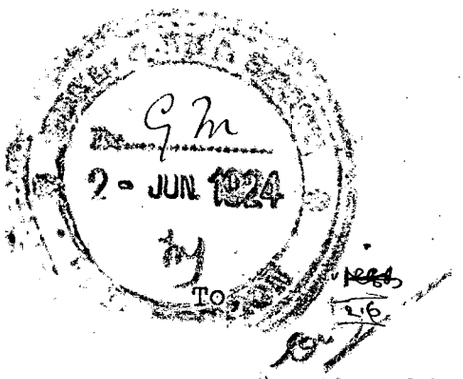
By Rgd Post

37266

Mr. D.M. Ramachandra Rao, B.A., B.L.,
Advocate.

Balepet,
Bangalore City, 31st May 24.

CB 1892
C.B. 56-23-11



The Chief Secretary to Government,
The Government of His Highness
the Maharajah of Mysore,
Public Offices Buildings,
Bangalore.

Dear Sir,

I am instructed by Mr. C. Raghunatha Rao, of the Grass Form, Sannyasehalle, Devanhalli Taluk in invite your -- kind attention to your reply No.3012/C.B. 56-23-10 dated the 11th of March 1924 to my client in answer to his claim contained in his letter dated the 29th of February in connection with the damages done to his property by the British Military authorities in October, November and December 1921, and to observe that your reply stating the regret of Government in their inability to do anything more in the matter has come upon my client as a great suprise and disappointment.

I beg to state that the property of my client is situate within the jurisdiction of Government, and no foreign Power or Military can ever trample upon the property situated in the State without the permission of the latter. It is the Government of Mysore that are authorising the occupation of -- properties in the State with or without reference to the owners, and the British Military has no power without their authori--zation implied or express, to so occupy the properties which

they

they require for use for manoeuvres. It is for this reason that the Government of Mysore have undertaken to appoint a Civil Officer to receive complaints of damages direct from owners of properties without referring the -- latter to the Military authorities and have made arrangements to decide between the Government and the Military authori- -ties the amount of compensation payable to the owners.

It is clear therefore that the Government of Mysore is responsible first to pay for the damages caused by the Military authorities who are also not free from responsibility to the owners. It is respectfully submitted that it would result in disastrous consequences if the Government should disown their responsibility to pay for damages done to the properties of their subjects under the permission implied or otherwise to occupy granted by them to the Military -- authorities.

You will also kindly observe that the occupation by the Military authorities of properties of the Subjects of His Highness is not due to any arrangement between them and the owners of properties.

Both administrative prudence and the dignity of the State dictate that the compensation should be settled and paid by the Government of Mysore. I may also refer your kind attention to the Proceedings of Government dated the 9th January 1919 issued by Government which place the matter beyond any doubt and I may refer your pointed attention to what is printed on page 7 of the Proceedings.

Coming to the claim of compensation made by my client, I may state for your information that the Civil ---

Officer

Officer of Government has, under rule 1 of para IV regarding compensation, passed an award of Rs. 6,015/- to my client and that this is binding on the Military authorities. This amount was with great reluctence accepted by my client subject to the payment of interest on it at 7½ % until date of payment. A sum of Rs. 1,913-8-0 was paid in pursuance of this and the balance of Rs. 4,101-8-0 with interest is due to my client.

The damages were carefully inspected and estimated by both the Military authorities and the Deputy Commissioner and a final award is made. It is therefore ~~p~~binding on Govern--ment as well as on the Military authorities and as the Subjects of His Highness must ~~just~~ first seek aid at the hands of the State, the compensation must be paid by Government and it is of course left to Government to recover it from the British authorities.

I may be pardoned therefore to submit that Govern--ment cannot reasonably plead their inability in the matter and that it behoves on them to press the Military authorities to the immediate payment or pay the amount themselves.

I am instructed to request you to be so good as to pay the amount of compensation of Rs. 4,100/- together with in--terest at 7½ % on it until date of payment within a fortnight from the date of receipt of this letter. In case you still think that you are not responsible, please consider this letter as notice under Section 80 of the Civil Procedure Code to file a suit against Government by my client in a competent Civil Court to recover the damages due to him ~~both~~ by Government and my client will be put to loss and trouble.

The cause of action arose in Bangalore against Government on the 11th of March 1924, the date of your communi--cation

communication refusing to do anything in the matter and the claim is for compensation for damages ~~due~~ done to my client's properties by the British Military authorities under the permission to occupy granted by the Government of Mysore and the amount of compensation is Rs. 4,100/- plus interest at 7½ % up to date.

I beg to remain,

Sir,

Yours faithfully,

D. V. Ramachandra Rao

ADVOCATE.

39208

Civil

Form No. 105.

XX 294

Gn 24402

G M

23. MAR. 1920

From The Subordinate Judge, B. angalore 192 .

To The Chief Secretary to the Govt of Mysore, B. angalore.

Sir,

I have the honor to forward herewith Copy Summons, in duplicate in O. S. 86 of 1919-20 ~~No.~~ of ~~192~~, in the file of this Court, and to request, that you will be so good as to ~~cause~~ retain the duplicate ~~to be served on the individual therein named,~~ and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing.

~~A sum of Rs.~~ ~~herewith sent, being~~

~~witness batta,~~

I have the honor to be,

Sir,

Your most obedient servant,

T M Mahadevaiya

Sub-Judge

WD 0189—GPB—13,700—5-1-21

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to

General and Revenue Secretariat
( )
, the 191 .

Date of issue 23. 3. 1925

Signed by Sd/ M. V. Iyengar

Section J.M
File No.
Serial No.

No. G. 7534/Encls:

To The Subordinate Judge
Bangalore

Sir,

I am directed to return herewith the defendants Summons received with your letter No. XX 294 dated 21.3.25 in O.S. No. 86 of 1924-25 together with its endorses ~~and to~~ State that the Summons was received late on the 23rd March 1925 which is the date of hearing shown in

over.

Cir. 0323B

To Summers.

I have &c

for chief Secy to Govt.

List of enclosures.

Copied by

Examined by

No. 2812/CB/Encl Dt 20/5/25

To

The Subordinate Judge,

Bangalore.

Sir,

I have the honour to return herewith duly signed, the original of the defendant's summons ~~duly signed~~ in O. S. No.86 of 1924-25 in the file of the Subordinate Judge's Court at Bangalore, ~~duly signed~~.

Recd with your letter No 1979/16/5/25

I have, etc.,

20/5/25

Chief Secretary to Govt.

App.F.VI-G1.]

SUBJECT

Diary No. of letter replied to

General and Revenue Secretariat
( )
, the 192

Date of issue 27/5/25

Signed by

List of enclosures

Copied by

Examined by

Section

File No.

Serial No.

No. P 6575 (2)

To The Govt. Advocate.

Sir,

I am directed to forward herewith a copy of the summons & the plaint in O.S No 86 of 1925 on the file of the Sub-judge Bangalore and to request you to appear on behalf of Govt and defend the suit.

I have etc

for Secy

over

49670

In all future correspondence please quote No. C.C. 628

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT,

Dated Bangalore, the 8/9th June 1925

FROM
B. VENKOBA RAO, ESQ., B.A.,
Deputy Commissioner,
Bangalore District.

GENL. & REV. SECTT. G. D. SECTION. 10 JUN 1925

GB 1933
C.D. 56-23-15

TO
B. Ramaswamaiya, Esq., B.A., B.L.,
Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.

SIR,

I have the honour to state that Mr. C. Raghunatha Rao, Basavangudi, Bangalore City, has filed a Civil suit in the Court of the Subordinate Judge at Bangalore for the recovery of Rs.5,022-8-0 being the amount of compensation for the damages said to have been caused to his Sanyasihalli estate, Devananalli Taluk by the British Military authorities in the course of their Military manoeuvres in 1921.

2. The fact of the case is that on the complaint of Mr. Raghunatha Rao alleging that certain damages were done to his estate by the Military authorities the then Civil Officer inspected and sent to the Military authorities a bill for Rs.6,015-6-4 being the amount of compensation for damages caused to the estate. But the Military authorities did not accept the Civil Officer's estimate. After a prolonged correspondence between Government and the Military authorities the latter finally offered a compensation of Rs.2500/- which amount was not accepted by Mr. Raghunatha Rao, vide correspondence ending with your letter No.5602/C.B. dated 19-6-25 and my reply thereto No.S.C.2/23-24 dated 18-7-1923.

3. The Sub Judge of Bangalore has now issued a summons to the Civil Officer to appear before the Sub Court on the 23rd June 1925. I request you therefore to kindly obtain the orders of Government to engage the Public Prosecutor or the Government Advocate to defend the case on behalf of Government. A copy of the plaint is herein enclosed.

4. Early orders are requested in the matter as the date of hearing is

fast approaching.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner, Bangalore District.

2

In the Court of the Subordinate Judge of Bangalore.

Original Suit No.86 of 24-25.

Plaintiff:- C.Raghunatha Rau, son of C.Annasami Rau, 3rd Cross Road, Basavangudi. Bangalore City.

Vs.

Defendants:- 1. The Mysore Government by its Chief Sedretary, Public Office Buildings. Bangalore City.

2. The Civil Officer, Bangalore District. District Office Buildings, Bangalore City.

3. The Officer Commanding Bangalore Brigade Area, Civil and Military Station, Bangalore.

---

1. The addresses of plaintiff and defendants are as stated above.

2. The Plaintiff is a subject of His Highness the Maharaja of Mysore and owns the Sanyasihalli estate situated in Devanahalli Taluk.

3. The Devanahalli Taluk is one of the areas recognised by the Mysore Government as one in which the British Military authorities are permitted by the Durbar to conduct the Army manoeuvres and the Estate belonging to the Plaintiff is included in it.

4. The Mysore Durbar allowed the 3rd Defendant to trespass into the Estate without the knowledge or consent of Plaintiff for about 3 months in 1921 to conduct the manoeuvres in the estate.

5. The 3rd Defendant accordingly trespassed into the Estate of the Plaintiff and caused considerable damages to it in diverse ways.

6. The 1st Defendant has appointed the 2nd Defendant on behalf of Government to assist the Military authorities and to safeguard the interests of owners of estates in which the manoeuvres are conducted. The Plaintiff at once complained to the 2nd Defendant of the damages caused and demanded compensation of Rs.10,000 giving the details of such damages.

7. The 2nd Defendant inspected the locality with the officers deputed by the 3rd and after looking into the damages caused, undertook to compensate the plaintiff as per his communication dated 1st February 1922 and as a result of a series of negotiations, the 2nd Defendant who

was authorised to do so passed an award of Rs.6,015/- in favour of Plaintiff on the 6th March 1922 and paid to Plaintiff in part payment Rs.1,913-8-0 on the 8th of March 1922. He promised to pay up the balance to plaintiff at an early date as per his communications dated 1st April 1922 and 17th May 1922.

8. The Plaintiff submits that the Defendants are liable in law to compensate the Plaintiff for the damages done by the 3rd Defendant with the permission and knowledge of Defendants 1 and 2 and the Defendants are bound to pay the damages assessed by the 2nd Defendant and agreed to be paid to the Plaintiff. It is submitted that when once the damages are assessed and communicated to the Plaintiff, all the Defendants are estopped for going behind it.

9. In spite of further demands, the Defendants have failed to pay the balance, and the 1st defendant in reply to Plaintiff's letter states that Rs.2,500/- only would be paid and if that is not accepted, the Plaintiff was at liberty to do anything he pleased. The 3rd Defendant gave a reply which conveys no meaning to Plaintiff, as the latter is not aware of the contents of the letter referred to therein.

10. The Plaintiff issued through his Advocate notices under Section 80 of the Civil Procedure Code and this suit is filed more than 2 months after such notices were sent as no reply was sent by the 1st Defendant.

11. The cause of action arose within the jurisdiction of this Court on the 11th of March 1924 the date of refusal to pay the balance and on the 16th of June 1924 the date of reply of the 3rd Defendant and on previous dates.

12. The defendants are bound to pay interest on the amount due to Plaintiff from the date of the award until date of payment by way of damages and the Plaintiff demanded in fact interest 7½ per cent per annum in his letter dated the 17th of May 1922 which the 2nd Defendant has not repudiated.

13. The value of the suit for purposes of Court Fee and jurisdiction is Rs.5,022-8-0.

14. Relief:- The plaintiff prays for a decree against the defendants for--

1. Balance due. - -	Rs. 4,100 0 0	
2. Interest on -do.- from 6-3-22 till 6-3-25 at 7½%.	Rs. 922 8 0	
Total.	Rs. 5,022 8 0	

with current and future interest and costs of the suit and any other relief.

Bangalore.

1925. Plaintiff.

Copy

Deputy Commissioner, Bangalore Dist.

G. R. S. V.

SUBJECT.....

Diary No. of letter replied to

General and Revenue Secretariat
(.)
, the 191 .

Date of issue 15/6/25

Signed by Sri. M. Venkatesa Iyengar.

Section C. B
File No. 56 - 23
Serial No 16

No. 2729

To The Deputy Comr, Bangalore Dist

Sir,

With reference to your letter no C. C. 628/24-25 dated 9th June 25 requiring the civil suit filed by Mr. C. Raghunatha Rao in the court of the Subordinate judge at Bangalore, I am directed to state that ~~order~~ the report Advocate has already been asked in this office letter no P. 6575 dt 29th May 1925 to appear on

over.

behalf of Govt and defend the suit.

I have etc

Inw 12/6
for chief secy.

Govt Inw
12.6.35

Copy to Govt Adv.

Inw
12/6

273

List of enclosures.

Copied by

Examined by

In reply please refer to
No. 10

Tel. Address:—
"JURIST," Bangalore.

C0561

OFFICE OF THE GOVERNMENT ADVOCATE IN MYSORE

Immediate.

Bangalore 3rd July *192* 5.

CB. 23.

FROM

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE

GENL. & REV. SECTT. BR. CB 4. JUL 1925 G. D. SECTION.

To

The Chief Secretary to the Government
of H. H. the Maharaja of Mysore,
BANGALORE.

Publish P.R. For immediate action the necessary order the issue to the above. 4-7-25

SIR,

Re: Original Suit No.86 of 1924-25 on the file of the Subordinate Judge, Bangalore, (C. Raghunatha Rao VS. The Chief Secretary to Government, & others).

-oOo-

With reference to your letter No.2730/C.B. dated the 15th June 1925, on the above subject, I have the honour to state that the authorization sent to me in Local & Legislative Secretary's letter No. P.6575/Legis. dated 27-5-1925, refers only to my appearing on behalf of the 1st Defendant. As the 2nd Defendant in the case happens to be the Civil Officer, Bangalore District, and as there is no express sanction of Government for my appearing on his behalf also, I request that the necessary authorization may be sent to me at an early date.

2. The case is posted to the 7th instant for filing our Written Statement, and the authorization will have to be filed by then.

I have the honor to be,

Sir,

Your most obedient servant,

K Shankaranarayana Rao

Government Advocate.

CSN.

In reply please refer to
No. 11/Sec. 1

Tel. Address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE IN MYSORE

Bangalore 3rd July 1925.

Immediate.

CB. 27.

FROM

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE

Let Secy write Complts. for personal opinion. The statement has to be returned with the Advs's reply latest on Monday, 6th, latest. 4.7.25.

To

The Chief Secretary to the Government
of H. H. the Maharaja of Mysore,
BANGALORE.

The draft W.S. is all right. 4.7.

SIR,

Re: Original Suit No.86 of 1924-25 on the file of the Sub Judge, Bangalore, (C. Raghunatha Rao VS. The Chief Secretary to Government, & others).

-oOo-

In continuation of this office letter No. 10, - dated this day, I have the honour to forward herewith for the approval of Government; the Written Statement proposed to be filed on behalf of Government and the Civil Officer, in the above case. If the same is - approved by Government, I request you to kindly sign the same in the places marked X in pencil and return the same to me immediately, as it has to be filed in Court on the 7th July 1925. The signature of the Civil Officer will also be obtained after the statement is returned duly signed by you.

I have the honor to be,

Sir,

Your most obedient servant,

K Shankaranarayana Rao

Government Advocate.

CSN.

In the Court of the Subordinate Judge, Bangalore.

Original Suit No.86 of 1924-25.

...

Plaintiff.	V s.	Defendants.
C. Raghunatha Rao.		1. The Govt. of Mysore, by th Chief Secy. to Govt.
		2. The Civil Officer, Bangalore Dt., and another.

Under Order VIII, Rule (1) of the Code of Civil Procedure, the defendants 1 and 2 beg to file the following written statement.

1. The allegations in paras 2 and 3 of the Plaint are correct. 2. The statement contained in para 4 of Plaint -- to the effect that the 1st defendant allowed the 3rd defendant to trespass into the Plaintiff's estate without his knowledge and consent is not correct. The British Military authorities occupied a part of the Plaintiff's estate in accordance with the usual practice and the Rules in force in Mysore based on the instructions issued by the Govt. of India in the Army Department which have been made applicable to Mysore with certain subsidiary rules as per G. O. No.13815-25-/G.M. 583-17-4, dated the 9th January 1919, regulating the conduct of Army manoeures. The Plaintiff was in touch with every stage of the manoeures. These allegations are evidently made with a view to make it appear that the Plaintiff has a cause of action against defendants 1 and 2.

3. With reference to paras 5 and 6 of the Plaint, the 1st defendant submits that the second defendant is an officer deputed to assist the Military authorities

and to attend to complaints of villagers regarding damage done by the troops. It is true that the Plaintiff complained to the then Civil Officer about the damage caused and put forward a claim for Rs.9,855/-. But that claim was found to be grossly exaggerated.

4. It is true that the then Civil Officer inspected the locality with the officer deputed by the Military Department; but it is not true that the Civil Officer undertook to compensate the Plaintiff or that the Civil Officer "who was authorised to do so passed an award of Rs.6,015/- in favour of the Plaintiff", or that -- Rs.1,913-8-0 was paid as part payment and that then Civil Officer promised to pay up the balance at an early date.

5. The Civil Officer was never authorised by the 1st defendant to pass an award nor was any award passed in the matter.

6. Under the rules in force, the compensation to be paid towards damage done is to be assessed by a joint commission consisting of Civil and Military officers and in case of material disagreement between them the matter should be reported to Govt., who will refer the same to the Hon'ble the Resident in Mysore. In this case it is true that the then Civil Officer was of opinion that Rs.6015-6-4 would be adequate compensation; but the Military Officer assessed the compensation at Rs.1913-8-0. This latter sum which was sent by the Military authorities for payment to the Plaintiff was actually paid to him and he was also informed that the matter was under further correspondence and that if any further amount was received it would also be paid to him. The allegations made to the contrary in para 7 of the Plaint are untrue. Even assuming that the then Civil

Officer made an award and made any promise to pay any specific amount - such unauthorized acts cannot bind either the 1st defendant or the then Civil Officer's successors in office.

7. In consequence of the disagreement in regard to the amount of compensation - the matter was reported to the 1st defendant who in turn referred the same to the Hon'ble the Resident. The Plaintiff had also been informed that the matter might be left to the decision of a joint Committee consisting of the Hon'ble the Resident, the Collector C. & M. Station, and the Deputy Commissioner, Bangalore. But the Plaintiff declined the offer. The Military authorities finally offered a total sum of Rs.2500/- as compensation; but the Plaintiff having declined to accept this offer the matter was dropped.

8. With reference to para 8 of the Plaint these defendants submit that there is no cause of action against them and these defendants are not therefore liable for damages. The damages were never finally assessed at Rs.6015/- and hence no question of either payment or estoppel arises.

9. The suit as brought, based as it is on a so called award passed by the then Civil Officer, is not maintainable as there was no such enforceable award ever made, nor had the then Civil Officer any authority to make an award.

10. The cause of action specified in Para 11 is not correct.

11. The suit is also not maintainable against Defendants 1 and 2 as the Plaintiff has no cause of action against them.

12. Should the suit be construed as one for damages caused to the estate - the suit is also not maintainable as the suit is barred by limitation.

13. The suit is also not maintainable against the 2nd Defendant as he was not given any notice as per Section 80 of the Code of Civil Procedure.

14. The Plaintiff is not entitled to any relief as against the Defendants 1 and 2 and in any case the claim is unduly exaggerated and excessive. The Plaintiff is not in any event entitled to any interest.

These Defendants therefore pray that the Plaintiff's suit may be dismissed with costs.

X

Bangalore,
6th July 1925.

We, the defendants 1 and 2 above-named declare that what is stated above is true to the best of our knowledge, information and belief.

X

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Immediate.

General and Revenue Secretariat

No. 78
C.B. 56-23

Dated, 6th July 1925.

From B. Nagappa, Esqr., Bar-at-Law,
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXX~~ Secretary to the Government of His Highness the Maharaja of Mysore.
Local & Legislative Deptts.

To

K. Shankaranarayana Rao, Esq., M.A., B.L.,
Government Advocate in Mysore, Bangalore.

Sir,

In continuation of this office letter No.P.6575 dated 27th May 1925, requesting you to appear on ~~behalf~~ behalf of Government in suit filed by Mr.C.Raghunatha Rao, in O.S. No.86 of 24-25 on the file of Sub Judges' Court, Bangalore, and with reference to your letter No.10 dated 3rd July 1925, I am directed to state that you may also appear on behalf of the second defendant, the Civil Officer, Bangalore District, in the same case.

I have the honour to be,
Sir,
Your most obedient servant,

82-3/C.B. Dt 4 & 6th July 1925
Copy to Deputy Com., Bangalore.
Copy to Rev. Com.
Draft

Secretary to Government,
Local & Legislative Deptts.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

*Diary No. of letter replied to*_____

General and Revenue Secretariat

( )

, *the* *191* .

Date of issue 6/7/1925

Signed by Ch. B. Ramaswamaiyo

Section C.B.

File No. 56 - 23

Serial No

No. 99/Ex-1

To

The Govt Advocate in Mysore

Sir,

With reference to your letter no 11 dt 3.7.25 forwarding the written statement proposed to be filed on behalf of Govt and the Civil Officer in O.S. no 86 of 1924-25 on the file of the Sub judge, Bangalore, I am directed to state that, ~~Govt have approved of~~ the statement duly approved, ~~which~~ is returned herewith

over.

along with my signature in the places indicated.

I have etc.,

6.7.25

Chief Secy.

6.1.45.

List of enclosures

Copied by

Examined by

17176

In reply please refer to
No. 284

Tel. Address:—
"JURIST," Bangalore.

1745

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore.....22nd.....October.....*192* 5.

FROM

DR. K. SHANKARANARAYANA RAO, ESQ, M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

22. OCT. 1925

To
The Secretary to the Government
of H. H. the Maharaja of Mysore,
Local & Legislative Departments,
BANGALORE.

SIR,

With reference to your letter No. P.6575/Legis. dated the 27th May 1925, I have the honour to state that Original Suit No.86 of 1924-25 on the file of the Subordinate Judge, Bangalore (C.Raghunatha Rao Vs. Government of Mysore) came on for hearing on 7th October 1925 and after hearing arguments Re: the maintainability of the suit in that Court, an order was passed returning the Plaint for presentation to proper Court.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

CSN.

19050 1925-26. Fu 1871

From
G. Sreenivasa Iyer, Esq.,
B.A., M.L.,
District Judge,
Bangalore Division.

To
P.G. D'Souza, Esq.,
B.A., B.L.,
Chief Secretary,
Government of Mysore,
BANGALORE.

Dated 2nd November 1925.

Despatched 5-11-25

No. 1798
332

---:0:---

GEN. & REV. SECTT. 5 NOV. 1925 Q. D. SECTION.

Sir,

I have the honour to forward herewith in duplicate defendants summons in O.S. No. 16 of 1925-26 on the file of this Court and to request that you will be so good as to retain the duplicate and return the original to this Court with due endorsement of service

SUBJECT

Diary No. of letter replied to 871

General and Revenue Secretariat
( )
, the 192

Date of issue 10th Nov 1925

Signed by for M. L. Iyengar

List of enclosures

Copied by

Examined by

Section Gen
File No.
Serial No.
No. G. 3437/Encl 1

To The District Judge Bangalore

Sir,

I am directed to return herewith the original of defendant summons in ~~suit~~ O.S. No. 16 of 1925-26 on the file of your court received with your letter No. 1798/332 dated the 5th Nov 1925 with the endorsement of service thereon

I have to

for Chief Secretary

over

6/11

APP. F. VI. Gl.]

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the 192

Date of issue 12/11/1925

Signed by Sri M. Venkatarama Iyengar

List of enclosures.....

Copied by.....

Examined by.....

Section CB

File No. 58/4

Seria No. 17

No. 1151/C.B
Ent II

To The Govt. Advocate

Sir,

I am directed to forward herewith the duplicate summons (for reference & return) in O.S. No. 16/1925-26 on the file of the S.C. at Bangalore & to request you to appear in the case & defend the suit. The files required will be forwarded hereafter in the course of a few days.

No
10/12/25 & 11/12/25

over

WD 0562—GPB—31,000—17-8-25

21749

In reply please refer to
No. 872

Tel. Address :—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE IN MYSORE

Bangalore. 24th November *1925*.

FROM

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE

C 970

CB. 5823-18

GENL. & REV. SECTT.
BR. CB
24. NOV. 1925
TO
G. D. SECTION.

The Chief Secretary to the Government
of H. H. the Maharaja of Mysore,
BANGALORE.

SIR,

With reference to your letter No. 1181/C.B., dated the 12th November 1925, I have the honour to state that Original Suit No. 16 of 1925-26 on the file of the District Judge, Bangalore Division, (C.Raghunatha Rao VS. The Chief Secretary to Government and 2 others) came on for hearing on the 20th November 1925 and is adjourned to the 7th Decr. 1925, for filing our Written Statement. In the meanwhile, may I request you to kindly send me for reference, the files connected with the case as also a copy of the Plaint served on you.

2. In the Subordinate Judge's Court I was also appearing on behalf of the 2nd Defendant in the case, (The Civil Officer, Bangalore District) and I take it that I have to appear on his behalf, in this Court also.

I have the honor to be,

Sir,

Your most obedient servant,

K Shankaranarayana Rao

Government Advocate.

CSR.

App.F.VI G1.]

SUBJECT

Diary No. of letter replied to

General and Revenue Secretariat
( )
, the 192

Date of issue 28/11/25

Signed by Sri. M. Venkatesa Iyengar

List of enclosures
1) P.P.13-2158 23, 26 33 to 37
2) C.B. 25-9-2258 1-11
3) C.B.56-23 1-8
4) " 515 9 to 10
5) " 51 14
6) + 1 Printed copy of G.O. no G.O. 13815-25 / G.M. 583-17-4 & 9.1.19

Copied by

Examined by

Section C.B.
File No. 56/23
Serial No. 19

No. 1282/C.B
Confl. Encl

To
The Govt Advocate.

Sir,

With reference to your letter no 372 B 24th Nov 25 in regard to the Original Suit No 16 of 1925-26 on the file of the District Judge, Bangalore Division, (C. Raghunatha Rao vs The Chief Secy to Govt + 2 others) I am directed to forward herewith for your reference the marginally noted files of this office connected with the subject. No copy of the plaint was received here with the defendants' summons in O.S. no 16 of 25-26. I am to add that you

over

may appear on behalf of the Second defendant (the Civil Officer, Bangalore District) in the court of the District judge, Bangalore Division.

The papers should be treated as strictly confidential.

I have etc,

Chief Secy.

26/11/25

Asst Mr
25.11.25.

CB 996.

22388

In reply please refer to
No. 387

Tel. Address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE IN MYSORE

Bangalore...30th November...*192* 5.

CB 56-23-20

FROM
GENL. & REV. SECTT.
BR. CB
1. DEC. 1925
TO
G. D. SECTION.

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
BANGALORE.

SIR,

Re: Original Suit No. 16 of 1925-26, on the file of the District Judge, Bangalore Division, (C.Raghunatha Rao VS. The Chief Secretary to Government and two others).

With reference to correspondence ending with your letter No. 1282/C.B. dated the 28th November 1925, I have the honour to forward herewith, for your signature, the Written Statement to be filed in the above case and to request that the same may be kindly returned to me, duly signed, in the two places marked X in pencil.

2. The present Written Statement is a copy of the one approved by Government and returned (except the last sentence in para 11 which was added by me subsequently) with your letter No. 99/C.B. 56-23 dated the 6th July 1925, for being filed in the Subordinate Judge's Court, in which the matter was then pending.

3. The case is coming on for hearing on the 7th December 1925 and the Statement will have to be filed on that day, after obtaining thereto, the signatures of the Second Defendant also.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

CSN.

App.F.VI-G1.]

SUBJECT

Diary No. of letter replied to

General and Revenue Secretariat
( )
, the 192

Date of issue 3/12/25

Signed by Sri. M Venkatesa Iyengar

List of enclosures

Copied by

Examined by

Section C.B.

File No. 56-23.

Serial No.

No. 1337/C.B
Sec

To The Govt Advocate.

Sir,

With reference to your letter no 387 dt 30th Nov 25 forwarding the written statement proposed to be filed in O.S. no 16 of 25-26 on the file of the District Judge, Bangalore Divn, (C. Raghunatha Rao vs the Chief Secretary to Govt and two others), I am directed to return the statement duly approved along with my signature in the places indicated.

I have etc,

for Chief Secy.

Govt Adv
3/12/25

over

3186

III

LOCAL AND LEGISLATIVE SECRETARIAT
8 FEB 1926
PROTECTION BRANCH

IMMEDIATE.

In reply please refer to
No. 575

Tel. Address:
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE IN MYSORE

Bangalore.....192

6th February 6.

FROM

K. SHANKARANARAYANA RAO, ESQ, M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE

To

The Deputy Commissioner,
Bangalore District,
BANGALORE.

SIR,

Re: Original Suit No.16 of 1925-26 on the file of the District Judge, Bangalore Division, (C.Raghunatha Rao VERSUS. The Chief Secretary to Government, & two others).

--oOo--

I have the honour to forward herewith, for your information and instructions, if any, copy of the reply filed by the Plaintiff in the above case, in answer to the points raised in our Written Statement.

2. The case is coming on for Hearing on the 10th February 1926, and I request you to kindly let me know, if you wish me to file a rejoinder regarding the Memo of particulars filed by the Plaintiff's Advocate and if so on what lines.

I have the honor to be,

Sir,

Your most obedient servant,

SD/- K. SHANKARANARAYANA RAO.
Government Advocate.

GENL. & REV. SECTT. BR. 6 FEB. 1926 G. D. SECTION.

33698

CSN

Memo No. 576

CB 1256

Dated Bangalore, 6th February 1926.

Copy of the above (with a copy of the Plaintiff's reply) is forwarded, with compliments to the Chief Secretary to Government, for information.

Government Advocate.

In the Court of the District Judge of Bangalore.

O. S. 16 of 25-26.

Plaintiff.	Defendants.
C. Raghunatha Rao.	1. The Chief Secretary to the Government of Mysore & 2 others.

The Plaintiff files the following additional reply to the statements of the defendants:-

1. The Plaintiff has already stated in para 4 of his reply that he is not bound by the rules framed by the Government of India and accepted by the Mysore Durbar. His claim is based on his right to receive compensation for a tort committed by the 3rd Defendant with the general approval of the 1st defendant and 2nd defendant. The plaintiff is therefore entitled in law to be compensated for the loss and the 2nd and 3rd defendants have admitted the claim and paid a portion of the compensation.

2. He is in no way therefore bound to accept the suggestion of a reference to the Resident for the adjudication of the matter and this refusal of the Plaintiff cannot affect his interests.

3. The nature and extent of the damages caused by the 3rd defendant were in the form of a bill submitted to him through the 2nd defendant at the time, for a copy of which the Plaintiff has applied and will, as soon as it is procured, - submit it to the Court. He has claimed Rs.10,000/- damages. This bill is with the defendants and they may be called upon to answer to the details of the damages caused.

4. The 2nd and 3rd Defendants examined the details of damages caused in the presence of the Plaintiff and the 2nd defendant was allowed to give the compensation. He fixed it at Rs.6015/- and communicated the same to the plaintiff who accepted it after waiving his claim for the - balance. Both the 2nd and 3rd defendants have, in pursuance of their joint inspection and decision, paid a portion of the amount to Plaintiff.

5. The suit therefore comes clearly under Section 3 of Regulation VII of 1923 and is - maintainable.

6. The plaintiff submits that from the very beginning Defendants 2 and 3 heard the complaint of the Plaintiff and promised to - compensate him for the damages. Both of them are liable as well as the 1st defendant under whose possession the 3rd defendant occupied

the

the area, irrespective of the understanding between themselves to which the Plaintiff is no party.

Wherefore the Plaintiff prays that the suit may be decreed with costs.

BANGALORE, (Id) D. M. R.
1st February 1926. For Plaintiff.

I declare that what I have stated above is true to the best of my knowledge.

BANGALORE, (Id) D. M. R.
1st February 1926. For Plaintiff.

"C o p y"

Government Advocate.

IN THE COURT OF THE DISTRICT JUDGE OF BANGALORE.

O. S. No. 16 of 1925-26.

Plaintiff:-		Defendants.
C. Raghunatha Rao.	VS.	The Chief Secretary to the Government of Mysore and 2 others.

The Plaintiff files the following reply to the statement of Defendants 1 and 2:-

1. It is curious that the defendants make such allegations as are contained in para 2 of their statement.

It is the Civil Officer who is deputed to represent Government, and he goes along with the Military authorities and arranges for their convenience. It is impossible that the Military authorities can step into the Estates of the subjects of Native States in times of peace without an undertaking between themselves and the Mysore Durbar. The Durbar proclaims the entry of the Military by beat of tom-tom and take steps to get the place vacated by people without taking the permission of its ubjects at all. It is thus abundantly clear that it is with the consent of the Durbar that such measures take place and Plaintiff asserts that it is the Durbar that has allowed the Military authorities to conduct their manouvres in his estate. The Plaintiff has, therefore every cause of action against Defendants 1 and 2 as they are persons at whose instance, a foreign Military Force occupied the Estate of the Plaintiff for about two months.

2.

2. The communicationsmade by the Civil Officer to the Plaintiff clearly make out that the second defendant on behalf of Government accepted the Bill for compensation for Rs.6,015 and undertook to send for the amount and pay it to Plaintiff.

3. The rules quoted by the defendants make out that the Civil Officer has every power to pass an award and - the Plaintiff believes that his acceptance was binding upon the Military authorities and this is what the Plaintiff understands to be an award.

4 The Plaintiff is not bound by the rules referred to by the defendants and paras 6 and 7 of the written statement can, therefore, be no avail to defendants and the contention of the defendants that a joint commission ought to have enquired into the matter is not applicable to the circumstances of the case.

5. The Plaintiff affirms again that for the reasons stated in para 2 supra, there is good and valid - cause of action against the defendants and that they are liable for the claim of the Plaintiff.

6. The Plaintiff is afraid that the defendants - have not correctly understood the Plaint. It is on the promise held out in consideration of damages done to - Plaintiff's Estate that the second defendant and the Military authorities had accepted the Bill of compensation to the extent of Rs.6,015/- and on the part performance of - that promise that the Plaintiff relies upon and it is - this acceptance of his claim that he understands to be an award.

7. The suit is based on the contract contained in this

this promise and is maintainable in law.

8. Such a notice as claimed in para 13, separately to the second defendant is not necessary. The second defendant is impleaded as a party as he is the principal person who negotiated the business for and on behalf of the Government and as his presence is essential before the Court for a complete adjudication of the claim of - Plaintiff and no relief is claimed against him separately.

9. The defendants are estopped from questioning the excessiveness or otherwise of the claim, as the - 2nd defendant has admitted the claim.

WHEREFORE, the Plaintiff prays for a decree - against the 1st defendant with full costs.

BANGALORE,)
17th December 1925) Plaintiff.

I declare that what I have stated above is - true to the best of my knowledge.

BANGALORE,)
17th December 1926) Plaintiff.

Copy.

Government Advocate.

J. O. No. 54

Immediate.

Enc. 1.

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

Bangalore, 9/2/ 1926

Dear Mr. D'Souza,

On the 5th inst. I sent you a copy of the reply filed by the plaintiff in O.S. No 16 of 25-26 on the file of the District Judge, Bangalore, (C. Raghunatharao # The Chief Secretary & others) with a request for instructions if any to enable me to draft a rejoinder.

As the case is for hearing tomorrow and as I thought that no special instructions were necessary for drafting the rejoinder, I have prepared the rejoinder and am now enclosing it herein for your signature & immediate return.

As it has to be filed in
Court Martial kindly sign it
and send it immediately.

Yours sincerely
[illegible]

P. O. D'Souza Esquire B.A. B.L.,
Chief Secretary to Government
Bangalore

Sir,

This does not relate to Jm

re. Or. The previous papers on this subject were sent to the Confl. Or & ~~this~~ may this also be transferred to

JM
2/3

YS
MW

MINT

CB

C.B. 1369 3/3/26.

App.F.X-10. B798

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Requisition for Papers.

Section

A

B

Filed

36401

In reply please refer to
No. 647

Tel. Address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore... 26th February 1926 92

FROM

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

2. MAR. 1926

To

The Chief Secretary to the Govt.
of H. H. the Maharaja of Mysore,
BANGALORE.

SIR,

Re: O. S. No.16 of 1925-26, on the file of the District Judge, Bangalore Division, (C.Raghunatha Rao, VS. The Chief Secretary to Government and two others).

With reference to correspondence ending with this office letter, D. O. No. 54, dated the 9th February 1926, on the above subject, I have the honor to forward herewith, for the information of Government, a copy of the rejoinder filed on behalf of Government, to the reply and the additional reply filed by the Plaintiff in the case.

2.

Copy to Chief Secy for information

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION.

Original Suit No. 16 of 1925-26.

C. Raghuenatha Rao. ... PLAINTIFF.

VERSUS.

The Chief Secretary to Government and two others. ... DEFENDANTS.

Defendants 1 & 2 beg to file the following rejoinder to the reply and the additional reply filed by the Plaintiff on 17/12/1925 and 1/2/1926 respectively :-

1. The Plaint filed in the case bases the cause of action on an award alleged to have been made by the 2nd Defendant. In the reply and the additional reply now filed an attempt has been made to found the claim on the tort said to have been committed by the 3rd Defendant. It is submitted that the Plaintiff is not entitled at this stage and ought not, therefore, to be permitted to shift his ground and base the suit on an entirely different cause of action.

2. In any view, the Plaintiff has no cause of action against Defendants 1 and 2 and in any case the suit against the 1st Defendant is not maintainable under the clear provisions of Regulation III of 1923.

3.

3. With reference to Para 2 of the reply it is submitted that the 2nd Defendant had no authority from the 1st Defendant to accept or sanction any bill, nor was there any final acceptance of the bill, as it was the 3rd Defendant that had to pass the bill.

4. With respect to Para 6 of the reply these Defendants submit that no promise was ever made by the 2nd Defendant to make any payment to the Plaintiff. Even otherwise no such promise can bind the 1st Defendant as the 2nd Defendant had no authority from the 1st Defendant to make any such promise.

5. The statements contained in Paras 6 & 7 to the effect that the suit is based on a promise or contract are inconsistent with the cause of action as set forth in Para 1 of the reply on the one hand and in Para 1 of the additional reply on the other.

6. The basis of the claim as set forth in Para 1 of the additional reply as one arising out of a tortious act is also inconsistent with the alleged promise referred to in Para 6 thereof.

7. The Plaintiff is not entitled to rely upon the rules referred to in the Written Statement for certain purposes, and to question their binding character for certain other purposes, as he has done in Paras 3 & 4 of his reply.

For these

For these reasons as also for those specified in detail in the Written Statement already filed, these Defendants pray that the suit may be dismissed with costs.

BANGALORE,
th February 1926.

Copy.

Government Advocate.

In reply please refer to
No. 752

Tel. Address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore.....30th March.....*192* 6.

FRO

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The Deputy Commissioner,

Bangalore District.

SIR,

Re: Original Suit No. 16 of 1925-26 on the file of the District Judge, Bangalore Division, (C. Raghunatha Rao VS. Chief Secretary to Government & two others).

I have the honour to state that the above suit has been posted for Evidence to the 9th August 1926 and that an intermediate date viz., the 1st June 1926 has been fixed for the return of Processes.

2. I am enclosing a copy of the Issues framed in the case for your information.

3.

3. I request you to be so good as to send me a list of witnesses, if any, to be examined on ourside.

I have the honor to be,
Sir,
Your most obedient servant,

SD/- K. SHANKARANARAYANA RAO.

Government Advocate.

40517

GENL. & [illegible] DEPTT.
Br. .....
31 MAR 1926
GEN.
G. D. SECTION.

CB 1551

Memo No. 753

Dated BANGALORE, 30th March 1926.

Copy of the above is forwarded, with compliments to the Chief Secretary to Government, for information, with reference to his letter No.1181/C.B. dated 12th November 1925. A copy of the Issues is also enclosed herewith.

Government Advocate.

Issues framed in Original Suit No. 16 of 1925-26, on the file of the District Judge, Bangalore Division. (C.Raghunatha Rao, VS. Chief Secretary to Government & two others).

---

1. Has the Plaintiff a cause of action against Defendants 1 and 2?.

2. Is the suit against the first Defendant maintainable in view of the provisions of Regulation VII of 1923 ?.

3. (a) Did the 2nd defendant make an award in favour of the Plaintiff for Rs.6015/- ?

   (b) If so, is it valid and binding against any, and if so, which of the parties,?

   (c) was Rs.1913-8-0 paid as part-payment of any promised amount, or was it paid in full settlement of the claim of the Plaintiff ?.

4. (a) Did the 2nd Defendant undertake to compensate the Plaintiff for the loss in question, as stated in para of the Plaint ?

   (b) if so, is such a promise binding on the Defendants

5. Is the suit one for damages for the loss alleged to have been sustained? or is it one based on the award alleged to have been passed by the 2nd Defendant ?

6. If it is a suit for damages, is it in time?

7. If it be open to the Plaintiff to treat the suit as one for damages for the loss sustained and the claim was in time, what is the actual loss occasioned by the alleged acts of

acts of the 3rd Defendant ?.

8. To what relief is the Plaintiff entitled ?.

Government Advocate.

G. R. Scott
5. 8. 26.

My dear Sir,

I have received your letter regarding ~~the suit by Raghunathrao &c.~~ The Sannyasi-halli damage suit. The ~~connected~~ previous files, connected with the case have been sent to the Govt Advocate and are not available here. If you desire it I shall ~~delay~~ get them from the Govt Adv. & send them on. But the best course would perhaps be for you to meet the Advocate and see the papers. If any other files are req^d I shall be happy to place them at your disposal if you will either here or ~~write~~ send me word as convenient to you

Y.S.

C B please send me these files
M S

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

Bangalore 5-8-1926.

Dear Mr Venkatesiengar,

I have received a Summons from the District Court, Bangalore, to appear on the 9th Inst. as a witness for the plaintiff Raghunatha Rao in his suit against the Govt. for damages caused by the British Military Deptt. in his Estate (Sanyasihalli) during the Camp of Exercise in 1922 (When I was Cmd B'lore). I wish to have some particulars in this connection, and propose to go over to the Sectt. at about 4.30 pm today. I except the Chief Secy or the L & L Secy will not be available for consultation, being Council day, but it will be enough if you have the connected papers, and we can then have a talk. The Standing Order re assessment of compensation by the Civil Officers & arrangements in case of ~~disputes~~ disagreement between them & the Military, may also be kindly kept for ref^ce. Excuse trouble.

Yours sincerely

A Ramaswami

Sent 4-20 P.M

5th August 6.

My dear Sir,

I have received your letter regarding the Sannyasihalli damage suit. The previous files connected with the case have been sent to the Government Advocate and are not available here. If you desire i I shall get them from the Government Advocate and sen them on. But the best course would, perhaps, be for you to meet the Government Advocate himself and see the papers. If any other files are required, I shall be happy to place them at your disposal, if you will either come here or send me word as convenient to you.

Yours sincerely,

B. Ramaswamaiya, Esqr., B.A., B.L.,
Offg. Revenue Commissioner in Mysore.

MRN.

Confidential. & Urgent.

CB.243.

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

No.

Dated Bangalore, the 6th August *192*6.

Dear Sir,

I beg to report, for the information of Government, that the District Judge of Bangalore has sent me a summons to appear as a witness for the plaintiff in the Civil suit filed by C. Raghunatha Rao against the Chief Secretary to Government posted for hearing before him on the 9th instant. The suit obviously relates to the compensation claimed by the plaintiff for damages caused by the British Military Camp of Exercise in his village, Sanyasihalli, of the Devanhalli Taluk, in 1922. As Deputy Commissioner of the Bangalore District at the time, I was supervising the work of the Assistant Commissioner who was in direct charge as Civil Officer. I had also inspected the village lands and the damages caused by the Military Manouvres there, to some extent, and when the Civil Officer sent up his estimate of compensation payable, I had also submitted my own report to Government giving my opinion as regards the amount of compensation that could be fixed. It is obviously with the intention of eliciting my opinion on the subject that the plaintiff has cited me as a witness.

2. Now, as it seems to me that the reports of the Civil Officer, and of myself, are not of the nature of any awards, to a copy of which the plaintiff is entitled, but only reports submitted to Government for orders, I intend, in the event of my being called upon to depose on the point, to protect myself under the provisions of Section 123 of the Evidence Act, and to refuse to give the information, as the reports in question are unpublished official records, and I am entitled to refuse to give evidence on the point. Should the Court however direct that I should give my answer, on my personal knowledge, I may be compelled to give out what I happen to know about the case. Of course, I shall be able only to say that the official report submitted by me to Government is based on my personal opinion

and that I am not aware now of any details. If pressed, I may have to mention the approximate figure at which the Civil Officer and myself estimated the amount of compensation payable. More than this, I am not aware of, nor can I depose to.

3. In reporting the above for the information of Government, I beg to state that I propose to adopt the procedure as indicated, in the absence of any instructions of Government to the contrary. I may add, incidentally, that I have taken the opportunity of personally consulting the Local and Legislative Secretary to Government and the Government Advocate in the matter informally.

I am

Yours sincerely,

S Ramanathan

P. G. D'Souza Esq., B.A., B.L.,

Chief Secretary to Government.

D.O. 589
CB

9th August 1926.

Dear Sir,

I am desired to acknowledge your demi-official letter dated the 6th August 1926 regarding the Sanyasihalli damage suit and to say that Government approve of the course proposed to be adopted by you in giving evidence in the case.

Yours sincerely,

B Ramaswamy Esq.
RC

Secy A
SD 17/8

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section

File No.

Serial No

Diary No. of letter replied to.....

No. 1177/CB

To

The Govt Advocate.

General and Revenue Secretariat

( )

the *192*

Sir,

I am directed to request you to be so good as to return the marginally noted files connected with the original suit No. 16 of 1925-26 on the file of the Hr. Judge, Bangalore Sn. (C. Raghunatha Rao Vs. The Chief Secy. to Govt & 2 others) forwarded with my letter No. 1282/CB 56-23-19 dated 28th November 1925.

Date of issue.....9/1.0/26.....

Signed by.....M. Venkatarama Iyengar

1) PP. 13-21- Sls. 23, 26, 33 & 37
2) CB 259 – 22 Sls. 1-11
3) CB 56-23- Sls. 1-8
4) " Sls. 9 & 10
5) " Sl. 14.

Thanks

Ch Secy

5/10

List of enclosures.....

Copied by.....

Examined by.....

over

No. 1872/CB. Dt 10/12/26

To

The Govt. Advocate

Sir,

I am directed to invite your kind reference to my letter No. 1155/C.B. Dt 9/10/26 requesting you to return the files connected with the original suit No 16 of 1925-26 on the file of the Dt. Judge, Bangalore (C. Raghunatha Rao vs. The Chief Secretary to Govt + 2 others) and to request that the same may kindly be returned immediately.

I have etc.

For [illegible]

10/12

CONFIDENTIAL.

In re[illegible] refer to
No. 47.3

Tel. Address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE IN MYSORE

Bangalore 16th December 1926.
17th

CB 1064.

FROM

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE

To

P. G. D'SOUZA, Esq., B.A., B.L.,
Chief Secretary to the Government
of H. H. The Maharaja of Mysore,
BANGALORE.

SIR,

With reference to your letter No.1872/C.B. dated the 10th December 1926, I have the honor to return herewith, as desired, the marginally noted files received with your letter No.1282/C.B. dated the 28th November 1925 for reference in Original Suit No. 16 of 1925-26 on the file of the District Judge, Bangalore Division, (C. Raghunatha Rao, VS. The Chief Secretary to Government and two others) and to request that the receipt of the same may be kindly acknowledged.

1) P.P.13-21. Sls.23, 26, 33 to 37.
2) C.B.259-22. Sls. 1-11.
3) C.B. 56-23. Sls. 1-8.
4) C.B. ,, ,, 9 & 10.
5) ,, ,, Sl. 14.
6) One printed copy of G.O.No. G.13815-25/ G.M. 583-17-4 dated 9-1-1919.

I have the honor to be,

Sir,

Your most obedient servant,

K Shankaranarayana Rao

Government Advocate.

Receipt of files verified CSN 17/12/26

CSN.

The previous papers have been transferred to the General Secrett. This may also be sent there.

To Supt, Sp Br
with compliments

Submd
26/1/27

42551

In reply please refer to
No. 531

Tel. Address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE, Gus 902

Bangalore...22nd.....January.....*1927*.

CB 1222

GEN. & FIN. SECT.
CB
24 JAN 1927
G. D. SECTION.

FROM

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The Chief Secretary to the Government
of H. H. The Maharaja of Mysore,
BANGALORE,

SIR,

Adverting to your letter No.1181/C.B. dated the 12th November 1925, I have the honor to state that - Original Suit No. 16 of 1925-26 on the file of the - District Judge, Bangalore Division, (C. Raghunatha Rao VS. The Chief Secretary to Government & two others) came on for hearing on the 19th instant, and 2 witnesses Viz., Messrs. B. Ramaswamayya, who was then the Deputy Commissioner, and the Plaintiff were examined, and their evidence recorded. The only witness that we could have examined was Mr. C. Narayana Rao, the then Civil Officer. But as the nature of the letters that he has written

to the

Transmitted
& Confd.
To

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

97880 & 27.1.27

The Secy. to Govt.
Bangalore

Dear Sir,

With reference to your letter No. [illegible] dated the 22nd inst. re C.S. No. 16 of 25-26 on the file of the Sessions Judge, Bangalore I am desired to request you to kindly state confidentially also what in your opinion the result of the case is likely to be.

Yours sincerely,

[illegible]

For Ch. Secy.

2.

WD 2230—GPB—1,00,000—23-7-20

D. O. No. 46 Confidential. Fm 5971

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

Bangalore, 27/1/ 1927

Dear Mr Sadasivayya,

I am in receipt of your D. O. letter No G. 7880 dated 27/1/27.

The whole trouble in the case is due to the fact that, in the correspondence with the plaintiff Mr Lagumiatha Rao, the then Civil Officer Mr C. Narayanaswamy referred to the bill sent by him for Rs 6095/- as an "award" and to the last made Mr Lagumiatha Rao understand that that amount was likely to be sanctioned by the authorities concerned.

The records also show that both the Civil Officer and the Munsiff Court, Mr B. Ramaswamaiya agreed that the sum of Rs 6095/- very fairly represented the amount due to the

plaintiff by way of damages, and the full amount was not paid only because the Military Department (Portfolio) declined to accept the figure.

The records further show that Mr Raghunetharam was finally offered, of course by way of compromise, an aggregate sum of Rs 3500/- in full settlement of his claim, including the sum of Rs 1913-8-0 paid to him on 8/3/1922.

As for the strength of his case now pending before the Court I am inclined to think that we can only succeed on purely technical grounds, viz that the suit based on an alleged "award" is not maintainable as there was no legally enforceable final award

in

D. O. No.

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

Bangalore,.....192

in the matter, as what he loosely styles an 'award' is nothing more than a 'bill'. But on equitable grounds he has a very good case.

Though, therefore, I am inclined to think that we are likely to succeed on the question of law, there is, in equity, a strong case which entitles him to some redress.

Yours sincerely
K Shankaran

M. Seshadri Esq, B.A. (Hons)
Assistant Secretary to Govt.
Bangalore.

Sit-d for perusal.
28/1
Chief Secy 28/1
Dewan 28/1
29/1

JM 31.1.27
new 1/2
1/02

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

5971

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The file pertaining to the suit filed by Mr. Raghunatha Rao for Compensation is put up. The case should posted to the 9th inst. for arguments. It is for consideration if pending receipt of the reply from the residency about the D.O. letter sent on the 29th ult. the Govt. Advocate may be instructed to take an adjournment.

Yes

5/2

(Junior)

Yes — Please submit with a draft for Dewan's personal before issue

RB 7/2

Draft put up. 2/2.

RB 7/2

For favour of perusal before issue.

Dewan) 7/2

7/2

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

7/2

RB 7/2

Issued 7/2

Confidential

D.O. No. Pol. 658 dt 29/1/27

pp67-27-1

Dear ~~Sir~~, Major Coacc Gordon.

I am desired to invite kind reference to the correspondence ending with this office letter No.P.1053 dated 22nd June 1925 about the suit filed in the Court of the District Judge, Bangalore, against the Chief Secretary to Government the Civil Officer, Bangalore District and the General Officer Commanding Bangalore Brigade Area by Mr.C.Raghunatha Rao for compensation allegedd to be due to him for the damage caused to his estate at Sanyasihally by the Military during the camp of exercises at Veswanthapur in November and December 1921. The circumstances of the case have been explained in this office letter No,Pol.695/C.B.215-22-1 dated 31st January 1923. A resume of the salient features of the case ~~will~~ may however facilitate ready reference.

2. During the Military Camp of exercises in November and December 1921 the Queen's Bays, the 81st and 64th Pioneers, the 30th Punjabi Mule Corps and the Service and Transport Corps encamped on the grass farm of Mr.C.Raghunatha Rao at Sanyasihalli No permission was obtained from him by the Military authorities for the occupation. On the 28th November 1921 Mr.Raghunatha Rao complained to the Civil Officer that his estate was being damaged by the Military and demanded adequate compensation A bill furnished by Mr.Raghunatha Rao for Rs.8,925/- was sent to the Staff

Captain by the Civil Officer.

3. On the 19th December 1921 two representatives of Brigate Head Quarter Office Col.Home, Assistant Comptroller of Military Grass Farms and Captain Knight Garrison Engineer inspected the damage caused to the hitherto with the Civil Officer and the owner of the estates. A map showing the area ~~of~~ damaged and the extent under each item was prepared under Captain Knight's instructions by his Overseer. An area of 53.09 acres of the grass farm was found to ~~be~~ have been completely scraped out. The proprietor claimed compensation for the loss of the grass crop on the area for the next three years at 40 rupees per ton. The Civil Officer suggested Rs.35/- per ton and the Military officers offered Rs.15/- per ton for only one year, No agreement was reached. The Civil Officer met Captain Knight at his office on 23rd December 1921. Captain Knight calculated that the compensation was Rs.1800/- and odd. The Civil Officer did not agree. The Colonel Commandant to whom the ~~matter~~ offices went next raised the cost of ~~the~~ hay from Rs.15/- to Rs.20/- per ton and the total ~~cost amounted~~ compensation to Rs.1933/- and requested the Civil Officer to ~~fix up with~~ induce the owner ~~at~~ to accept this figure. The Civil Officer then obtained a copy of the map and the calculation sheet from Captain Knight and left promising to send a bill later on after ~~fixing up~~ arranging with the owner as desired by the Commandant, In the meanwhile on 18th February 1922 the

Civil Officer received a communication from the Brigade Major stating that at a meeting at which the Civil Officer was present it was decided that a sum of Rs.1913-9-0 was due to the gentleman and requesting to be informed if the matter was definitely settled to enable them to forward a cheque. On 5th March 1922 the Civil Officer forwarded a bill for Rs.6,015-6-4 giving detailed reasons and pointing out errors and miscalculations made by the Captain. On 6th March 1922 the Brigade Major sent a cheque for Rs.1913-8-0 which was at once acknowledged by the Civil Officer and a demand made for the balance of Rs.4104-14-4. The cheque was delivered to Mr.Raghunatha Rao who accepted it as part payment. In response to the reminder sent by the Civil Officer, the Brigade Major replied that the matter was receiving the attention of the Area Commander and that the matter was awaiting the opinion of his expert Advisors on the subject. Again, in reply to another reminder the Brigade Major replied that the matter had been referred back to an expert Military Advisor for further opinion on one of the points affected.

4. The Military authorities at this stage approached the Hon'ble the Resident, and in May 1922 a communication was received from the Residency calling for the views of His Highness' Government in this matter. This letter was replied to on 13th September 1922 to the effect that the

rate proposed by the Civil Officer was a fair one and recommending settlement of the claim at Rs.5153-6-0, ~~as recommended by the Deputy Commissioner Bangalore District.~~ On 1st December 1922 a further communication was received from th Residency enclosing a copy of the letter from the Col.Commandant raising certain objections. These points have been elucidated in this office letter dated 31st January 1923 referred to in paragraph 1 above. In view of the circumstances explained in that letter, the Hon'ble the Resident was requested to move the Military authorities to accept the claim at Rs.5153-6-0. As the Military authorities did not agree to the Hon'ble the Resident suggested that a committee may be convened at which the Deputy Commissioner, Bangalore, the Collector, Civil and Military Station with the Hon'b;e the Resident as referee could meet and discuss the matter and arrive at a final settlement. Mr.Raghunatha Rao who was consulted on this point declined to accept this arrangement. Subsequently the Colonel Commandant made a final offer of Rs.2500/- "without admitting the actual damage effected and stated that if Mr.Raghunatha Rao "does not accept the same he may take such action as he may deem suitable". Mr Raghunatha Rao was informed accordingly and he declined to accept the offer. Some time after he filed the present suit before the District Judge Bangalore Division.

5. As has already been urged in this office letter dated the 31st January 1923, referred to in para one, supra, a ~~reference~~ perusal of paras 1 and 3 of Section IV of the Memorandum of Instructions issued with the Government of India Army Department letter No.170-22-C.G.S. will show that the staff of compensation officers should be appointed before and not after the manoeuvers and that the military side of the Staff should as a rule include Indian Officers. In the present case neither of these conditions appears to have been complied with. The inadequacy of the compensation offered by the Colonel Commandant on the advice of his staff has all along been explained in the Civil Officer's letters and in the subsequent correspondence with the Residency. The Military authorities however did not agree to the claim. In the absence of a regularly constituted staff of compensation officers, "The Civil Officers will be the sole arbitrators and their decision must be accepted" (as laid down in para 1 of section IV of the Memorandum referred to above.) The Military authorities were not thus in order in not agreeing to the claim preferred by the Civil Officers.

It will thus be seen that there is very likelihood of the Court deciding in favour of the Plaintiff's claim.

6. His Highness' Government has been made nominally a party to the suit. The Government Advocate is contesting the trial on their behalf. It is understood

that the Military authorities are also contesting the Suit.

~~that the VII defandant, the General Officer Commanding Bangalore Brigade Area has entered on his defence and is contesting the Suit.~~

It need hardly be pointed out that in the event of the plaintiff succeeding in the suit the liability for the satisfaction of the claim and for the expenses of the suit will rest entirely ~~on~~ with the Military authorities, His Highness' Government would however be glad to see the matter settled amicably out of Court, I am to request you to be so good as to obtain and communicate the views of the Hon'ble the Resident on this suggestion. If this suggestion is found ~~agreeable~~ acceptable, to explore the possibilities of an amicable settlement.

(H. H. the Highness's Govt. are ~~not~~ agreeable to be glad)

Yours sincerely

26/1

25/01

~~CONFIDENTIAL~~

To

The Government Advocate,

Bangalore.

G 82769 8.2.27

Dear Sir,

With reference to your letter No. 531 dated the 22nd ultimo, intimating that the suit filed by Mr. Raghunatha Rao of Sanyasihalli against Government and the Military Authorities stands posted to the 9th instant for arguments, I am desired to request you to kindly obtain an adjournment.

Yours sincerely,

~~D.O.~~ No. 605

Fn 6398

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

Bangalore, 9th February 1927.

Dear Sir,

Re: Original Suit No.16/1925-26,
on the file of the Dist.
Judge, Bangalore Dvn.

With reference to your D.O. letter No. - G.8276/P.P. dated the 8th February 1927, I write to inform you that at my request the District Judge has adjourned the above case to the 16th March 1927.

Yours sincerely,

M. Seshadri, Esq., M.A.,
Asst. Secretary to Government,
BANGALORE.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

M

Subd.

The suit filed by Mr. C. Raghavendra Rao of Sangareddy states posted to the 16th inst. As no reply has yet been received from the Residency a draft reminder is put up for consideration.

9/3

A reminder may perhaps be sent. This occurs months since we wrote to the Residency and the case stands adjourned to the 16th instant.

The draft may be approved.

Gen. Secy. 9/3

A 9/3

Issue Rly 10/3

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

Urgent
To J. Cmd.

D.O. Pol. 777 S/10 3/27

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

The Secy to the Resident

Dear Sir,

I am desired to invite refce to this Office Confl D.O. letter No. Pol 658 of the 29th January 1927 about the suit filed in the Court of the Dist. Judge, Bangalore, against the Chief Secy to Govt, the Civil Officer, Bangalore, with the Genl Officer Commanding, Bangalore Brigade Area by Svt. C. Raghunatha Rao and to request to be kindly informed as early as possible

N

WD 2230—GPB—1,00,000—23-7-20

when a reply on the
matter may be expected
as the case stands
adjourned to the 16th instt.
yours sincerely

R.J.
Registrar Secy

2/1

Fn 7392

CONFIDENTIAL. **URGENT**

No. C/5042/880.

THE RESIDENCY,

Bangalore.

11th March 1927.

Compensation alleged to be due to Mr. C. Raghunatha Rao for damage caused to his estate during the Military Camp in 1921.

Dear Mr. Ranga Rao,

Please refer to your confidential and demi-official letter No. Pol. 777, Legis.37.26.2 dated the 10th March 1927.

The file in question is with the Resident, who will not be back here before the 14th March. Your letter will be placed before him immediately on his return.

Yours sincerely,

For Secretary to the Resident on tour.

Where is this
Can carry on?
RG
11/3

To,
R. Ranga Rao Esq., B.A., B.L.,
General and Revenue Secretariat,
Bangalore.

11/3 Only not ask the file for whatever
This can be done if approved by the Resident
11/3 We do not know from us when
the date of hearing.
RG 11/3

Submit with a draft
for approval
14/3

Gen. Secy)
14/3

14/3

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Immediate

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

G/0154 8/15.3.27

To

The Govt. Hon'ble

Dear Sir,

With reference to your letter No 685 of the 9th February 1927 intimating that the suit filed by Thu C. Raghunatha Rao, v. Sreenivasiah against Govt. & the Civil authorities stands posted to the 16th inst., I am desired to request you to kindly obtain another adjournment of 2 or 3 days to enable Government to give further

M

WD 2230—GPB—1,00,000—23-7-20

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

CONFIDENTIAL.

No. C/[illegible]048/880.

URGENT.

Fn 7484

THE RESIDENCY,
BANGALORE.

15th March 1927.

Compensation alleged to be due to Mr. C. Raghunatha Rao for damage caused to his estate during the Military Camp in 1921.

Dear Mr. Ranga Rao.

With reference to your urgent and confidential D.O. letter No. Pol. 777 / Legis. 37-26-2, dated 10th March 1927, on the above subject, I am desired to say that the matter is still under consideration. It is understood that the Military Authorities will ask for a further adjournment.

Yours Sincerely.
S. Rao.
For Secretary to the Resident.

Please ask our lawyer who to ask for adjt. I think would be better. But either do so again. RR 15/3.

To,
R. Ranga Rao Esq., B.A., B.L.,
Secretary to the Government of Mysore,
General and Revenue Secretariat,
Bangalore.

To

K.Shankaranarayana Rao Esq.,M.A., B.L.,

Government Advocate, Bangalore.

G/10186 dt 15.3.27

Dear Sir,

In continuation of this office D.O. letter No.G.10154 dated the 15th instant about the suit filed by Mr.C. Raghunatha Rao against Government and the Military Authorities I am desired to reques you to kindly obtain another adjournment as already requested.

16/3/27

Yours sincerely,

D. O. No. 57

G. 7608

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

Bangalore,....18th March....*1927.*

Dear Sir,

Re: Original Suit No. 16 of 1925-26, on the file of the District Judge, Bangalore Division, (C. Raghunatha Rao VERSUS Government.)

-oOo-

With reference to your D.O. letter No.G.10186/G.M. dated 15th March 1927, I write to state that as desired by Government, an adjournment has been obtained in the above case which was for Hearing on the 16th instant, and the case is now posted to the 16th May 1927.

Yours sincerely,

M. Seshadri, Esq., M.A.,
Asst. Secretary to Govt.,
BANGALORE.

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Confidential

D.O. No. Pol. 820 D 31/3/27

To

The Secy to the Resident

Dear Sir,

With refe to the correspondence ending with your Confidential D.O. letter No. 5048/880 dt the 15th March 1927, about the compensation alleged to be due to Sri C. Rajamanatha Rao for damage caused to his estate during the Daily Camps in 1921, I am desired to state ~~that it is understood~~ that the case stands postd to the 16th May 1927 and that ~~[illegible]~~

Y. J.
29/3.

M.

31/3/27

7

Confidential
31/3/27

hope that the matter
will be brought to
a final disposal as
early as convenient.

Yours Sincerely

Major G.C. Seay

Z.

2608

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, e

C. Raghunatha Rao

for usa

23/3

This gentleman's suit A
I think. posted 16th
Mg.
Please write to the
Revd Secy to Govt that
the matter will be taken up
for final disposal

RG
29/3

Drafted

9884 we may wait till
29/3 the end of Genl Secretary

29/3

Remind the patch.
We may perhaps
wait until three weeks
before we issue this
reminder.

29/3

Genl Secy
9884
RG
29/3

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W D 1880—GPB—1,50 000—2-5-21

CB 26.

CONFIDENTIAL.

no. C/5097/880.

P67-27-2

THE RESIDENCY,

Bangalore.

5th April 1927.

Dear Mr. Ranga Rao

I am desired to refer to your confidential and demi-official letter No. Pol. 658, dated the 29th January 1927, and to inform you that the Military Authorities are not prepared to come to a settlement out of Court.

Yours sincerely

K. Gordon.

R8
5/4.

To,

R. Ranga Rao Esq., B.A., B.L.,
Secretary to the Government of Mysore,
General and Revenue Secretariat,
Bangalore.

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

No 30938 / Revs & P.P. / Dt 14/4/27

To

The Govt Hdqrs

Bangalore

Dear Sir,

With refe to the correspondence ending with your D.O. letter No 57 dated the 16th March 27 about the suit filed by Sri C. Raghavatha Rao of Sharpasilhalli against Govt & the Civil authorities, I am desired to request you to kindly keep the Govt informed as to the progress of the suit from time to time.

I am also to return herewith

7(1)

1967-27-3

Cash 96

The marginally noted files are forwarded with your letter dated 4/3 of the 17th Dec. 1926 and it is requested that the receipt of the same may be kindly acknowledged.

Yours sincerely

for Agent General

(1) P.P. file 13-21 Sh 23, 26, 32 & 37
(2) C.B. 259. 22 Sh 1-11
(3) " 56. 23 Sh 1-8
(4) " —"— Sh 9 & 11
(5) —"— Sh 14
(6) The printed copy
1) G.C. 20 Eg. 138 & 25 Eg. 20 583-17-4
4) 9-1-19.

In reply please refer to
No. 967

Tel. Address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore.....7th June 1927.....~~190~~

493
PP 67-27-4

FROM

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

PP
7/6/27

To

The Chief Secretary to the Govt.
of H. H. the Maharaja of Mysore,
Bangalore.

SIR,

With reference to correspondence ending with your D. O. letter No.3098/P.P., dated the 14th April 1927, I have the honor to state that O. S. No. 16 of 1925-26 on the file of the District Judge, Bangalore Division, (C. Raghunatha Rao VS. The Chief Secretary to Government, Etc.,) is posted for arguments to the 8th June 1927, and it will be argued on that day.

I have the honor to be,
Sir,
Your most obedient servant,
K Shankaranarayana Rao
Government Advocate.

In reply please refer to
No. 871.

Tel. Address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE, CB-501.

Bangalore 9th June *1927*.

PP 67-27-5

FROM

K. SHANKARANARAYANA RAO, ESQ, M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

PP 10/6/27

To

The Chief Secretary to the Government
of H. H. The Maharaja of Mysore,
BANGALORE.

SIR,

In continuation of this Office letter No.854 dated 7th June 1927, I have the honor to state that Original Suit No.16/1925-26 on the file of the District Judge, Bangalore Division, (C.Raghunatha Rao VS. The Chief Secretary to Govt. Etc.) was argued yesterday (i.e., 8-6-1927) and judgment was reserved. The result will be intimated to you as soon as Judgment is pronounced.

The main file with the previous letter (7-6-27) was sent at headquarters to whom? Please refer the case

12-6-27

13/6

I have the honor to be,
Sir,
Your most obedient servant,

K. Shankaranarayana Rao

GOVERNMENT ADVOCATE.

G.R.S. III—3]

In reply please refer to
No. 10

Tel. Address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore 4th July 1927.

FROM

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The Chief Secretary to the Government
of H. H. The Maharaja of Mysore,
BANGALORE.

SIR,

In the matter of Original Suit No.16/25-26 on the file of the District Judge, Bangalore Dvn., (C. Raghunatha Rao VS. The Chief Secretary to Government and others).

--oOo--

In continuation of this Office letter No.871 dated the 9th June 1927, on the above subject, I have the honor to state that Judgment has been pronounced in the above case dismissing the suit with costs.

2. A copy of the Judgment has been applied for and the same will be forwarded to Government, for - inform-

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

the Deputy of the Governor
said that this may be
taken to the S. O. Sec.
HK 20/7/27

OP Sec) 470 CB 9-20/7/27

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

In reply please refer to
No. 161

Tel. Address:—
"JURIST," Bangalore.

Use Ind Swear Copy (30 Sheets)

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore 26th August 1927 ~~192~~

CB. 1078

FROM

K. SHANKARANARAYANA RAO, ESQ, M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

PP 26/8/27

PP 6-9-27

To

The Chief Secretary to the Government
of H. H. the Maharaja of Mysore,
BANGALORE.

SIR,

In continuation of this office letter No. 10, dated the 4th July 1927, I have the honor to forward herewith, - for the information of Government, a copy of the Judgment - passed in Original Suit No. 16 of 1925-26 (C. Raghunatha - Rao VERSUS The Chief Secretary to Government and others), on the file of the District Judge, Bangalore Division.

2. A sum of Rs.3-13-0 only (Rupees Three and Annas - Thirteen only) has been advanced from this office in this connection, for meeting the expenditure incurred (as per - details noted - in the margin) in obtaining - the copy of the Judgment in question, and I request that the Deputy Commissioner, Bangalore District, may be kindly authorised to arrange payment of the said amount to this office, at an early date.

Stamp on Copy application:-	Rs.0-1-0.
Cost of 30 copying sheets produced for the copy.	" 3-12-0.
TOTAL:-	Rs. 3-13-0.

I have the honor to be,
Sir,
Your most obedient servant,

K Shankaranarayana Rao
Government Advocate.

TWO ANNAS

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MYSORE

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C. R. 70

5-7-27

Bangalore

1-30

In the Court of the District Judge, Bangalore Division.

Dated 27th June 1927.

Present:- G. Sathyajee Rao, Esquire, B.A., B.L.

District Judge.

Original Suit No. 16 of 1925-26.

Plaintiff:- C. Raghunatha Rao.

Defendants:- 1. The Mysore Government by its Chief Secretary. 2. The Civil officer Bangalore District. 3. The Officer Commanding Bangalore Brigade area Civil and Military Station, Bangalore.

According to the plaint,

This is a suit filed on 9-3-25 to recover with interest the balance of an award of Rupees 6015/- passed by the 2nd defendant.

2. The allegations in the plaint are as follows:- The 3rd defendant trespassed into the Sanyasanahalli estate of the plaintiff to conduct certain army manoeuvres.

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with the permission of the Mysore Durbar and without the plaintiff's ~~Kepleasure~~ Knowledge or consent, and caused considerable damage to his estate. The 2nd defendant inspected the spot, passed an award for Rupees 6015/- on 6-3-22 and paid to plaintiff Rupees 1913-8-0 in part payment of the award. The said award is binding on all the defendants and the defendants are estopped from going behind it.

3. The 1st and 2nd defendants filed a written statement on 7-12-25 to the effect that in accordance with the usual practice and rules in force in Mysore the British Military authorities occupied a part of the plaintiff's

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TWO ANNAS
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estate, that it was not true that Rupees 1913-8-0 was paid as part payment; that the Civil officer was never authorised by the 1st defendant to pass an award and that no award was passed in the matter; that the plaintiff declined a reference to the joint commission as per rules, that there was no cause of action as against defendants 1 and 2, and that the suit as brought, based on a so-called award was not maintainable.

In his written statement on 7-12-25, the 3rd defendant states that the Military camp was pitched with the acquiescence of the plaintiff, and that therefore there was no trespass. The sum of rupees 1913-8-0 was paid

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BANGALORE

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on full consideration of plaintiff's claim and not as part payment of the alleged award, which was in no way binding on him. The suit based on an award unauthorised and invalid in law was not maintainable; it was also barred by limitation. The 3rd defendant was not a proper party and that the Secretary of State for India ought to have been sued.

Thus the defendants prayed that the plaintiff's suit should be dismissed with costs.

4. In his reply statement filed on 17-12-25, the plaintiff states that he has a cause of action against defendants 1 and 2 as the Military Authorities conducted the army

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manoeuvres with their consent. The 2nd defendant accepted his bill for compensation for rupees 6015/- on behalf of Government. The plaintiff relies upon the acceptance of his claim as an award. The suit is based on the contract contained in this promise and is maintainable.

The 3rd defendant is bound by the decision of the 2nd defendant. Rupees 1913-8-0 was not paid in full settlement of his claim. The suit is not barred by time as the cause of action according to the plaint arose on the 11th of March 1924, the date of refusal to pay the balance and on the 16th of June 1924 the date of reply of the 3rd defendant.

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In his additional reply statement filed on 1-2-26 the plaintiff states that his claim is based on his right to receive compensation for a tort committed by the 3rd defendant with the general approval of the 1st and 2nd defendants. He was not therefore bound to accept a reference to the joint commission.

5. In the rejoinder filed on 22-2-26, the defendants 1 and 2 state that while according to the plaint the suit is based on an award by the 2nd defendant, an attempt has been made in the reply and additional reply to found the claim on tort. The 3rd defendant also attacks this departure in the pleadings. As

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it was the 3rd defendant who had to pass the bill there was no final acceptance of the bill. No promise was made by the 2nd defendant nor could such a promise be binding on the 1st defendant. There was in any view no cause of action against defendants 1 and 2. The 3rd defendant also states that the plaintiff cannot be allowed to assert a cause of action entirely different from the one alleged in the plaint.

Thus the defendants prayed that the suit should be dismissed with costs.

6. The following issues were framed on 1-3-26.

(1) Has the plaintiff a cause of

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action against defendants 1 and 2?

(II) Is the suit against the 1st defendant maintainable in view of the provisions of Regulation VII of 1923?

(III)(a) Did the 2nd defendant make an award in favour of the plaintiff for rupees 6015/- ?

(b) If so is it valid and binding against any, and if so which of the parties?

(C) Was Rupees 1913-8-0 paid as part payment of any promised amount, or was it paid in full settlement of the claim of the plaintiff?

(IV)(a) Did the 2nd defendant undertake to compensate the plaintiff for the loss in question as stated in the plaint?

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(b) If so, is such a promise binding on the defendants?

(V) Is the suit one for damages for the loss alleged to have been sustained? or Is it one based on the award alleged to have been passed by the 2nd defendant?

(VI) If it is a suit for damages, is it in time?

(VII) If it be open to the plaintiff to treat the suit as one for damages for the loss sustained and the claim be in time, what is the actual loss ~~sustained~~ occasioned by the alleged acts of the 3rd defendant?

VIII. To what relief is the plaintiff entitled?

7. 2 witnesses for plaintiff were examined on 19-1-27 and the plaintiff closed his case.

8. After some adjournments to

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report compromise the case was posted for arguments to 8-6-27 as the negotiations with the Government fell through. On 8-6-27, arguments were heard and on 27-6-27 the Court pronounced the following:—

Judgment. The pleadings are in English. Plaintiff is the owner of Sannyasihalli estate in Devanhalli Taluk. The 1st defendant is the Mysore Government represented by the Chief Secretary. The 2nd defendant is the Civil officer Bangalore District. The 3rd defendant is the officer commanding the Bangalore Brigade in the Civil and Military station Bangalore. The British

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Military authorities conducted Army manoeuvres in Devanahalli Taluk for a period of about 3 months in the year 1921. Plaintiff alleges that during the manoeuvres damage was done to his estate to the extent of Rupees 10,000/-, that the 2nd defendant passed an award for Rupees 6015/- in favour of plaintiff on 6-3-1922 and paid Rupees 1913-8-- on 8-3-1922 as part payment and by his letters dated 1-4-22 and 17-5-22 promised to pay the balance early, that on demands by plaintiff the 1st defendant replied that only Rupees 2500/- would be paid in all and that

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TWO ANNAS
GOVERNMENT OF MYSORE
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therefore there may be a decree against the defendants for 6 Rupees 410/- being balance due and Rupees 922-8-0 being interest thereon and costs.

2 Defendants 1 and 2 filed a written statement in which the following principal points were raised:-

The 1st defendant did not allow the 3rd defendant to trespass into the plaintiff's estate. The British Military Authorities occupied a part of plaintiff's estate under the Rules in force in Mysore.

It is not true that the Civil officer undertook to compensate the plaintiff or that he passed an award for Rupees 6015/-

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MYSORE
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in favour of plaintiff or that rupees 1913-8-0 was paid as part payment and that then Civil officer promised to pay up the balance at an early date.

The Civil officer was not authorised by the 1st defendant to pass any award.

In this case it is true that the Civil officer was of opinion that Rupees 6015-6-4 would be adequate Compensation; but the Military officer assessed the Compensation at Rupees 1913-8-0. After paying this amount to plaintiff he was informed that if any further sum was received it would also be paid to him.

The plaintiff was informed that the matter might be left to the

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decision of a joint committee Con-
sisting of the Honourable the
Resident, the Collector Civil and
Military Station and the Deputy-
Commissioner, Bangalore. But
the plaintiff declined the offer. The
Military authorities finally offered
a total sum of Rupees 2500/- as
compensation but the plaintiff de-
clined this offer -

There is no cause of action against
defendants 1 and 2

Suit is not maintainable in
view of the provisions of Section
3 of Regulation VII of 1923.

Should the suit be construed as one
for damages the suit is barred by time.

Plaintiff is not entitled to any relief.

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GOVERNMENT OF MYSORE
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3. Plaintiff examined himself and gw. B. Ramaswamiah, the then Deputy Commissioner Bangalore. As the plaint stands by itself it was misconceived. Paras 4 and 5 of the plaint go to show that the cause of action was based on the alleged tortious conduct of the 3rd defendant and the 1st defendant was treated as a joint tort-feasor. But, after the filing of the written statement by defendants 1 and 2 explaining the rules in force in Mysore regarding the Army manoeuvres and raising the plea of bar of limitation, absence of cause of action and non maintainability of suit based on a tort against

THE CENTRAL RECORDS, BANGALORE DIST.

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GOVERNMENT OF MYSORE
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government, plaintiff filed his reply statement — In paras 6 and 7 of this statement plaintiff stated as follows: —

"It is on the promise held out in consideration of damages done to plaintiff's estate that the 2nd defendant and the Military authorities had accepted the bill of compensation to the extent of Rupees 6015 and on the part performance of that promise that the plaintiff relies upon and it is this acceptance of his claim that he understands to be an award. The suit is based on the contract contained in this promise and is maintainable in law."

GENERAL RECORD

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4. In the Course of his arguments the learned Counsel for the plaintiff admitted that he ought to have made the Secretary of State for India in Council as the proper party representing the Military authorities, that his plaint allegations that the Military trespassed on the plaintiff's estate without his Consent and caused damage to the estate are not sustainable as the army of a ~~the~~ Paramount Authority entered the estate for Military purposes under Rules which are binding on the Mysore State, that the Cause of action against the 3rd defendant was barred

CENTRAL RECORDS

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if such cause of action is alleged to be founded on the tort committed by the 3rd defendant and that there was no other cause of action against the 3rd defendant. In fact he stated that he had nothing to do with the Foreign Power. So I have not set out in detail the allegations made by the 3rd defendant in his defence statement. The learned Counsel for the 3rd defendant also questioned the jurisdiction of this Court so far as the suit against him is concerned.

5. So, the scope of the suit has reduced itself to very narrow limits. It was pithily put forward

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by Mr A. M. Ramachandra Rao to be that the then Civil officer (Mr C. Narayen Rao) agreed on behalf of the Mysore Government to pay a Compensation of Rupees 6 0/15 and his suit was for the specific-performance of such Contract - That Civil officer is now retired and the 2nd defendant was mentioned to be the Civil officer Bangalore at the time of the filing of the plaint - Mr A. M. Ramachandra Rao stated that he had no claim against the 2nd defendant personally and his claim was only against the 1st defendant viz the Mysore Government - Plaintiff's Counsel referred me to Government

that

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Proceedings No: G-13815-25-G.M. 583-17-4, dated 9th January 1919 which contains Instructions issued by the Government of India in the Army Department. This is marked exhibit I. Under clause III (Compensation) the following occurs: —

"If these Compensation officers (Military and Civil officers) are unable to agree they must refer the matter for the decision of the Civil District officer or corresponding authority. When a joint commission is not appointed, the Civil authorities will be the sole arbiters, and their decision must be accepted."

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The Civil District Officer referred to in the above quotation from the Rules framed by the Government of India cannot be held to mean the Civil officer of Bangalore. Under instructions from the Honourable the British Resident the Mysore Government proposed to the Plaintiff to have the matter of compensation decided by a joint Commission of enquiry consisting of the Honourable the British Resident, the Collector Civil and Military station and the Deputy Commissioner. It is to be regretted that Plaintiff declined the offer. The plaintiff also declined the offer to settle

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finally the amount of Compensation at Rupees 2500/- in all -

6. So, the only remaining question is whether the bill for Rupees 6015-6-4 prepared by the then Civil officer as per exhibit C constituted an award as plaintiff puts it, whether the bill can be construed as an agreement to pay the amount mentioned therein to plaintiff and whether the Mysore Government is bound by the Bill - Mr. Sankaranarayana Rao for Government rightly argued that the bill amounted to nothing more than the opinion of the then Civil officer that

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Rupees 6015-6-4 was a fair compensation to be paid to the plaintiff. The bill was a mere recommendation and it binds neither the Government nor the Military authorities. The Pay-Master was the Military Authority and the Mysore Government was only an intermediary between the 3rd defendant and the Plaintiff. There is absolutely nothing to show that the Government had authorized or empowered the then Civil officer to enter into any agreement with plaintiff in the matter. There is nothing to show that the Government approved or

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sanctioned the bill - The Government merely forwarded it to the British authorities. The Military officer assessed the Compensation at Rupees 1913 - 8 - and paid this amount to plaintiff through the then Civil officer. In the receipt passed by the plaintiff he might have said "towards part payment" as in exhibit E. But, there is nothing to show that the Military authority meant it as part payment. This receipt is dated 8-3-1922. Plaintiff agitated again regarding the insufficiency of the amount. The Military officer and the then Civil

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officer made a joint inspection of the village in the presence of the plaintiff. Plaintiff has not disclosed what transpired then. It is after this that the amount seems to have been raised to Rupees 2500/-. Plaintiff relies on the letters marked exhibits D (dated 6-3-22), D_1 (dated 1-4-22) and D_2 (dated 17-5-22) written by the then Civil officer to him. They mean nothing more than that representations had been made by him to the Military Authorities and on receipt of any further amount from them the same would be paid to plaintiff. These letters cannot be construed as any

CENTRAL RECORD

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G F MYSORE

96

agreement made by the then Civil officer with plaintiff nor can those letters bind the 1st defendant even if it be held that they contain a promise to pay

I find all the issues against Plaintiff and dismiss Plaintiff's suit with costs

As plaintiff proceeded to Court under a misapprehension I recommend that the defendants would forego their costs and the 3rd Defendant would pay to plaintiff the balance to make up Rupees 250 o/a —

Pronounced in open Court.

Signed. G. Sathyajee Rao.

District Judge 27-6-27.

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Venkatasubbaya

for Head Record Keeper

25/8

W. H. Shankarnarayana Rao.

In office for other sheets to receive applications

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MYSORE

27

In the Court of the District Judge, Bangalore Division.

Original Suit No. 16 of 1925-26

Plaintiff:- C. Raghunatha Rao.

Vs.

Defendants:- The Mysore Government by its Chief Secretary and 2 others.

The Plaintiff examined the following witnesses:-

(1) W. B. Ramaswamiah -

(2) C. Raghunatha Rao. (Plaintiff)

The defendants examined none.

Signed G. Sathyajee Rao.

District Judge.

"True Copy"

Venkatasubbaiya

for Head Record Keeper.

29

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28

In the Court of the District Judge, Bangalore Division -
original Suit No. 16 of 1925-26.

Plaintiff: - C. Raghunatha Rao.

Defendants: - The Mysore Government by its Chief Secretary and 2 others.

List of documents admitted in evidence for the plaintiff

A. Letter dated 4-12-21 by the plaintiff to the Civil Officer - } 19-1-27

A1 Letter dated 22-12-21 do: do:

B. Letter dated 10-7-21 by the plaintiff to the Deputy Commissioner (C.W.1) } do:

C. Bill containing details of Compensation } do:

D to D2 Letters dated 6-3-22, 1-4-22 and 17-5-22 by Civil Officer to the plaintiff } do:

E Receipt granted by Plaintiff to Civil Officer for Rupees 1913-8-0 } do:

F Letter dated 20-1-22 by plaintiff to Civil Officer

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TWO ANNAS

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MYSORE

29

G. Letter of 1-2-22 by the Civil officer to the plaintiff — } do:

H. Endorsement given by the Government to plaintiff dated 23-1-26 } do:

I. Letter dated 11-3-24 from Government to plaintiff — } do:

J. Endorsement dated 28-2-24 from the Deputy Commissioner to the plaintiff. } 19-1-192

K. Letter dated 17-12-1921 by Civil officer to the plaintiff. } do-

L. M. } Proceedings of Government dated 26-12-1923 and 28-1-1925 } do:

N. Reply dated 16-6-24 from Commanding officer to plaintiff's Advocate — } do:

Initialled G. S. District Judge

"True Copy"

S. Venkataswamy

for Head Record Keeper

RECORDS, BANGALORE DIST.

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30

In the Court of the District Judge, Bangalore Division

Original Suit No: 16 of 1925-26.

Plaintiff:- C. Raghunatha Rao.

Defendants:- The Mysore Government by its Chief Secretary and 2 others.

List of documents admitted in evidence for the defendant.

I. Government order No: G.13815-25 G.M 583-17-4 dated 9-1-1919 } 19-1-27. Produced by the Government Advocate

II. Letter dated 25-3-23 by Deputy Commissioner Bangalore to the plaintiff - } do: Produced by Plaintiff

III Letter dated 20-6-23 by the Deputy Commissioner to the plaintiff. } do: do:

Initialled G. S.
District Judge

"True Copy"

Venkatasubbaiah
Head Record Keeper.

17

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G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

No. 2028/PP, dt. 5/9/27
Sri PP 67-27-8

To
The Dy. Comr., Bangalore

Sir,

I am directed to forward herewith a copy of letter No. 161 R, the 26th August 1927 from the Govt. Advocate in Mysore and to request you to kindly arrange to pay to the Govt. Advocate the sum of Rs. 3-12-0 referred to therein.

I have etc.

28/9/27

Sd/- Govt. Secy

2079/PP, dt. 5/9/27

Copy to the Govt. Advocate for information.

WD 2230—GPB—1,00,000—23-7-20